IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JESSE BARNES

Plaintiff, :

CIVIL ACTION NO. 18-1497

v.

:

SHELL EXPLORATION

AND PRODUCTION COMPANY:

APPALACHIA; SHELL : EXPLORATION AND :

PRODUCTION COMPANY; :

SHELL OIL COMPANY :

•

Defendants.:

INDEX OF PLAINTIFF'S EXHIBITS SUBMITTED IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

1	Deposition of Plaintiff
2	Deposition of William Turney
3	Maintenance Analyst Job Description (Shell 65)
4	Plaintiff's Resume (Shell 1092-1093)
5	Interview of Plaintiff (Dep. Ex. P-18)
6	Plaintiff's Hotline Complaint (Dep. Ex. P-14)
7	Steve Craig Handwritten Notes (Dep. Ex. P-39)
8	Deposition of Ken Foreman
9	Deposition of Hondo Blakley
10	Interview of Wayne Fletcher (Dep. Ex. P-23)
11	Interview of Matt Empsen (Dep. Ex. P-20)
12	Interview of Jeremy Greene (Dep. Ex. P-26)
13	Interview of Ken Foreman (Dep. Ex. P-22)
14	Deposition of Steve Craig
15	Kelly Soudelier Handwritten Notes (Dep. Ex. P-59)

16	July 2017 emails re Plaintiff's performance review rating (Dep. Ex. P-60)
17	January 2018 email from Plaintiff re continued discriminatory and retaliatory conduct (Dep. Ex. P-61)
18	March 2017 emails from Plaintiff re discriminatory and retaliatory conduct (Dep. Ex. P-58)
19	Plaintiff's April 2017 email forwarding her EEOC Charge (Dep. Ex. P-48)
20	Deposition of Mark Hoover
21	Interview of William Turney (Dep. Ex. P-19)
22	Expert Report of Michael Torchia
23	Deposition of Megan Kloosterman
24	Investigation Overview (Dep. Ex. P-32)
25	December 2016 emails between Plaintiff and Greg Larsen re her job "options" (Dep. Ex. P-35)
26	Deposition of Greg Larsen
27	Will Turney Memo re Plaintiff's 2015 Performance (Dep. Ex. P-54)
28	Deposition of Penny Robbins
29	Notes of Interviews for Scheduler Position (Dep. Ex. P-12)
30	Jeremy Greene Resume (Shell 1193-1196)
31	November 2016 email from Will Turney to Michelle Priest re issues with Plaintiff (Dep. Ex. P-55)
32	November 2016 email from Michelle Priest to Megan Kloosterman enclosing documents for the investigation (Dep. Ex. P-15)
33	December 2016 email from Michelle Priest to Megan Kloosterman regarding Plaintiff's previous complaints (Dep. Ex. P-16)
34	Interview of Shane Sollinger (Dep. Ex. P-28)
35	Interview of Dan Krise (Dep. Ex. P-24)
36	Interview of Kelvin Flynn (Dep. Ex. P-27)
37	Interview of Mark Hoover (Dep. Ex. P-21)
38	Interview of Hondo Blakley (Dep. Ex. P-5)
39	February 2017 emails between Plaintiff and Michelle Priest re performance review (Dep. Ex. P-68)
40	January 2017 emails between Greg Larsen; Steve Craig; Will Turney re Plaintiff's 2016 performance (Dep. Ex. P-47)
41	March 2017 emails including from Plaintiff re her performance review (Dep. Ex. P-57)
42	January 2017 email from Plaintiff re her unfair performance review rating (Dep. Ex. P-46)
L	

Exhibit 1

In The Matter Of:

JESSE BARNES v. SHELL EXPLORATION AND PRODUCTION, et al.

> JESSE BARNES August 2, 2019

JB Court Reporting, LLC
P.O. BOX 650
Turnersville, New Jersey 08012

Min-U-Script® with Word Index

SHE	ELL EXPLORATION AND PRODUCTION, et al.		August 2, 2019
	Page 1		Page 3
1	IN THE UNITED STATES DISTRICT COURT	1	
2	MIDDLE DISTRICT OF PENNSYLVANIA	2	INDEX
3		3	
4	JESSE BARNES, :	4	WITNESS: PAGE
5	Plaintiff, :	5	JESSE BARNES
6	vs. : : SHELL EXPLORATION AND :	6	BY MR. TUCKER 5
7	PRODUCTION COMPANY :	7	BI MR. TOCKER 5
8	APPALACHIA, SHELL : EXPLORATION AND PRODUCTION : COMPANY AND SHELL OIL :	8	
9	COMPANY, : COMPANY, : Defendants. :NO. 4:18-CV-01497-MWB	9	EXHIBITS
10	Detendants. :NO. 4:10-CV-0149/-NWB	10	
11	Friday, August 2, 2019	11	NUMBER DESCRIPTION PAGE
12	riiday, August 2, 2019	12	<u>Barnes-1</u> Email w/attachments 29
13	Videotare deposition of TESSE PARMES	13	Barnes-2 Email w/attachments 29
14	Videotape deposition of JESSE BARNES,	14	Barnes-3 Online application 73
15	taken at Tucker Law Group, LLC, Ten Penn Center,	15	Barnes-4 Notebook and pages 101
16	1801 Market Street, Suite 2500, Philadelphia, PA,	16	Barnes-5 Resume 108
17	commencing at 10:14 a.m., on the above date,	17	Barnes-6 Acknowledgement code of conduct 156
18	before Amy L. Taylor, Court Reporter and Notary	18	Barnes-7 Acknowledgement other policies 156
19	Public.	19	Barnes-8 Shell antiharrassment policy 157
20		20	Barnes-9 Shell equal employment policy 157
21		21	Barnes-10 EEOC Charge of Discrimination 178
22	JB COURT REPORTING, LLC	22	
23	P.O. BOX 650 Turnersville, New Jersey 08012	23	
24	(609)617-9942 jbreporting@comcast.net	24	
	Page 2		Page 4
1	APPEARANCES:	,	
2	201207 - 112 - 122	2	THE VIDEOTAPE TECHNICIAN: We
3	CONSOLE MATTIACCI LAW BY: CAREN GURMANKIN, ESQUIRE	3	are here today, August 2nd, 2019 for the
4	1525 Locust Street 9th Floor	4	videotape deposition of Jesse Barnes.
5	Philadelphia, Pennsylvania 19102 215.545.7676	5	This deposition is being taken
6	Attorneys for the Plaintiff	6	in the matter of Jesse Barnes versus
7	TUCKER LAW GROUP, LLC	7	Shell Exploration and Production
8	BY: JOE TUCKER, ESQUIRE and KATHLEEN KIRKPATRICK, ESQUIRE	8	Company, which is filed in the U.S.
9	Ten Penn Center 1801 Market Street	9	District Court for the Middle District
10	Suite 2500 Philadelphia, Pennsylvania 19103	10	of Pennsylvania, case number
11	215.875.0609 Co-counsel for the Defendants	11	4:18-CV-01497-MWB.
12		12	I am the videographer, Michael
13	ALSO PRESENT:	13	Barankovich, and I represent JB
14	Michael Barankovich,	14	Reporting. The court reporter is Amy
15	the videotape technician	15	Taylor of JB Reporting.
16		16	Would counsel please announce
17		17	their appearance for the record?
18		18	MS. GURMANKIN: Caren Gurmankin
19		19	of Console Mattiacci Law for the
20		20	plaintiff.
21		21	MR. TUCKER: Joe Tucker and
22		22	Kathleen Kirkpatrick on behalf of Shell.
23		23	THE VIDEOTAPE TECHNICIAN: The
24		24	time is now 10:14. Will the court

Page 5 reporter please wear in the witness. 1 Q. If I talk too fast, if I use a term that 1 2 2 you don't understand, let me know. Okay? 3 JESSE BARNES, having been duly з А. 4 Q. sworn, was examined and testified as This -- again, this is my opportunity 4 and my only opportunity prior to trial to find out 5 follows: 5 the nature of your allegations. Okay? 6 6 7 BY MR. TUCKER: 7 A. Okay. 8 Q. 8 Q. Good morning, Ms. Barnes. We met If you want to take a break at any point earlier. Again, I'll introduce myself. My name in time, you let me know and you can take a break. 9 9 is Joe Tucker and I represent your former You can take a break as often as you want for as 10 10 11 employer, Shell Oil, in this action that you have 11 long as you want. I only ask that you show me the 12 brought against them arising out of your prior 12 courtesy of answering a question, if a question is employment with them. 13 pending, that you answer the question first before 13 Today I'm taking your you take a break. Do you understand that? 14 14 deposition. The young lady to your left and my 15 A. Yes. 15 right just had you raise your hand and swear or 16 Q. Are you presently on any medications 16 affirm that the testimony you're about to give is whatsoever? 17 17 the truth and the whole truth. Did you understand 18 A. 18 No. 19 that? 19 Q. You've been doing good thus far. Again, 20 A. Yes. 20 21 Q. So the testimony that you're giving has 21 the a same force and effect as if you were in 22 22 front of a jury. It carries those same penalties, 23 23 that if you get give false testimony, that you may 24 24 Page 6 be subject to some type of penalty. Do you 2 understand that? 2 з А. Yes. 3 you understand that? 4 Q. Your counsel is seated to your right; is 4 that correct? 5 A. Yes. 5 6 A. Yes. 6 Q. 7 Q. You've had an opportunity to meet with 7 your counsel prior to coming to this deposition, 8 8 correct? 9 9 10 A. Yes. 10 11 Q. Without telling me what your counsel 11 answer. Do you understand that? said, you're counsel generally informed you as to 12 12 what a deposition is, correct? 13 A. Yes. 13 Yes. 14 A. 14 Q. 15 Q. And that is it's my one and only 15 A. opportunity before trial to sit down and question 16 16 you about the facts and allegations you made 17 Q. 17 against Shell Oil in this lawsuit. Do you 18 A. 18 understand that? 19 Q. 19

Yes.

me know. Okay?

Okay.

So if at any point in time I ask you a

question and you don't understand it, please let

20 A.

21 Q.

24 A.

22

23

SH	ELL EXPLORATION AND PRODUCTION, et al.				August 2, 2019
	Page 9				Page 11
				,	
	Q. Why did move in May of 2019?		Α.		Warrington.
	A. For a job opportunity.	2			Warrington?
3		3			Yes.
	A. EIS, Incorporated.	4			Who moved to the Warrington area first,
5	· · · · · · · · · · · · · · · · · · ·	5	-		Duncan?
	A. I'm quality and safety manager.	6			Duncan moved back to Warminster I would
7	Q. Are you presently living with someone?	7			November of 2017. Which Warminster is
8		8	_		to Warrington.
9	Q. Who are you living with?	9			Did you and Duncan continue on your
10		10			tic relationship when he moved back to
	Q. Can you his last name, please?	11			inster?
12	A. P-L-A-N-I-N-C I'm sorry, S-H-E-K.	12	Α.		Yes.
13		13			Did you ever tell anyone that you were
14	,	14			g to Warrington or the Warminster area
15	would be easier to say Duncan. Do you mind if I	15	b	ecau	se you want to be close to Duncan?
16	say that?	16	Α.		No.
17	A. No, that's fine.	17	Q.		When did you first apply for your
18	Q. How long have you and Duncan been living	18	С	urrer	t job?
19	with each other?	19	Α.		In April of this year.
20	A. Since May 1st.	20	Q.		What's your current salary?
21	Q. Did you move to your present address to	21	Α.		68,000.
22	be with Duncan?	22	Q.		Let's step back. Did you graduate from
23	A. No, for my job.	23	h	nigh s	chool?
24	Q. Where does Duncan work?	24	Α.	,	Yes.
	Page 10				Page 12
1	A. He works for the local union.	1	Q.		When did you graduate from high school?
2			Α.		2008.
3	lot of the questions I'm going to ask you today	3	_		What did you do after you graduated from
4		4			chool as far as employment?
5	your counsel instructs you not to answer the		Α.	-	I worked at a restaurant called Mark's
6	question, you should answer my question. It's not	6		Brothe	
7	because I have some *** per interest in your life,	7	_		Say that again?
8	but these are important factual things that I need	8	-		I worked at a restaurant called Mark's
9	to know. I apologize ahead of time for what seems	9		Brothe	
10	to be the probing nature of my questions. Okay?	10	_		M-A-R-X?
	A. Okay.	_	Α.		No, apostrophe S. Mark's Brothers.
12		12	_		M-A-R-X apostrophe S?
13	do you and Duncan have a romantic relationship?		Α.		No, M-A-R-K apostrophe S.
14			Q.		Where was that?
15			A.		Mansfield, Pennsylvania.
		16	_		•
16 17		17			How long did you work there, ximately?
	Duncan start?		а А.		•
18			_		Over a year.
19	,	19		eft?	What was your salary at the time you
20	Q. Where was he living at that time?	20			Lwas making 2.75 on hour waitrassing
	A. In Mansfield, Pennsylvania, which is		Α.		I was making 3.75 an hour waitressing.
22	close to Tioga, Pennsylvania.		Q.		\$3.75 an hour?
23	Q. And who moved to what town are you in		A.		Right. Plus tips?
24		-) /			Englished

24 now?

24 Q.

Plus tips?

Page 16

Page 1	13
--------	----

- 1 A. Correct.
- 2 Q. Have you consistently filed tax returns
- from 2008 up until the present? 3
- 4 A. Yes.
- 5 Q. Do you have any certificates or degrees
- outside of high school? Any specialty 6
- certificates? 7
- 8 Α. I have -- I think that are expired now,
- but certificates in hazmat and it's called RCRA. 9
- 10 Q. R-E-C-R-A?
- 11 A. R-C-R-A.
- 12 Q. Did you get that hazmat certificate when
- you were working with Shell? 13
- 14 A. Yes.
- 15 Q. And the RCRA certificate, did you get
- 16 that when you were working with Shell?
- 17 A. Yes.
- 18 Q. What was your next job after Mark's
- Brothers? 19
- 20 A. I continued to work there and for
- Synergy. I was contracted through Synergy to do 21
- work for Shell. 22
- 23 Q. When did you start working with Synergy?

And that's about the time you began

When you started with Synergy in 2010,

You were a contract employee for Shell

working -- did Synergy assign you to work at

What did you do at Synergy?

I was administrative assistant.

Did Synergy give you any training

whatsoever before you started working at Shell?

Did you have any human resources

training, any type of job safety, here's how your

24 A. 2010.

Shell?

Correct.

at Synergy, correct?

Correct.

how much were you making?

\$12 an hour.

1 Q.

4 A.

5 Q.

8 Q.

9 A.

10 Q.

12 A.

13 Q.

15 A.

16 Q.

17

18 19 A.

11

2

3

6 7 A.

- 1 A. I was shadowing some of the other
- admins, helping out with their work. 2
- 3 Q. Is it fair to say that from 2010 up
- until, approximately, 2015, you were -- September 4
- of 2015, you were an administrative assistant? 5
- Α. No. 6
- 7 Q. At some point you were no longer an
- 8 administrative assistant?
- 9 A. Correct.
- 10 Q. When did you stop being an
- administrative assistant? 11
- 12 A. October 2014.
- 13 Q. From the time that you started with
- Synergy in 2010 to 2014, you were an 14
- administrative assistant? 15
- 16 A. That's correct.
- 17 Q. You were administrative assistant
- contracted by Shell to Synergy, correct? 18
- 19 A. Correct.
- 20 Q. In October 2014, what was your proximate
- pay rate? 21
- I think it was right around \$15 an hour. 22 A.
- 23 Q. What were your job duties and
- 24 responsibilities as an admin?

Page 14

- 1 A. Day-to-day, I would help with paperwork,
- spreadsheets, invoicing. 2
- 3 Q. Anything else?
- 4 A. I would take landowner complaints and
- log them. 5
- 6 Q. Anything else?
- 7 A. Basic IT help, office maintenance,
- scheduling office maintenance jobs. 8
- Q. Anything else? 9
- I'm sure there is more, I just can't 10 A.
- think of anything right now. 11
- Prior to working at Synergy, had you had 12 Q.
- any computer training at all? 13
- 14 A. No.
- 15 Q. You said you worked with spreadsheets.
- What type of spreadsheets? Were these Excel 16
- spreadsheets? 17
- Correct. 18 A.
- How is it you were able to learn Excel? 19 Q.
- 20 Were you self-taught or did someone at Shell teach
- you? 21
- 22 A. I was self-taught.
- 23 Q. What other programs did you work with
- while you -- from the time you started with

20 orientation.

payroll works or anything like that?

- 21 Q. Any other training that Shell provided
- to you when you started working with them? When

I had safety training with Shell,

- you started working as a contractor through 23
- 24 Synergy?

SHELL	EXPLORATION AND PRODUCTION, et al.			August 2, 2019
	Page 17			Page 19
1 Svi	nergy in 2010 up until October 2014? Did you	,	A. 1	November.
-	rk with Microsoft Word?	2		From November 2010 to October 2014, did
3 A.	Yes.	3		ive a supervisor?
4 Q.	Did you have do you know how to type?	4	•	Yes.
5 A.	Yes.	5		And you also had someone at Synergy who
6 Q.	Have you ever taken a typing test?	6		ould report to in addition? When I say
7 A.	Not that I recall.	7	•	risor, I think we sort of understand a Shell
8 Q.	Approximately, how many words per minute	8	-	yee was your supervisor?
	you type? Have you ever been tested at all?	9		Yes.
10 A.	No.	10		Did you also have someone at Synergy you
11 Q.	You said basic IT help you would	11	reporte	
	ovide. What type of basic IT help would you		-	had an account manager.
-	ovide?			What was his or her name?
14 A.	If somebody was having issues with their			Her name was Lynn Oakes.
	crophone or setting up their headset for it to			What was Ms. Oakes purpose in being the
	y back in meetings, speakers within the	16		nt manager?
	of the firm of the			had very little discussions with her,
	top so it would be clear and work well.	18		on't know if I can an answer that question.
19 Q.	So was that the extent of the IT help			When you originally went to Synergy, did
-	u provided?	20		out an application for employment?
20 you	I don't know if it's considered II, but		-	Yes.
	nter assistance.			Were you truthful on the application?
23 Q.	Like if it got jammed?			Yes.
23 Q. 24 A.	Entering email address so they would be	_		You identified all the skills that you
24 A.	Entering email address so they would be	24	Q.	Tod Identified all the Skills that you
 I	Page 18			Page 20
1 abl	e to scan it, or just any errors that would	1	had w	nen you filled out your application to the
	me up, I would try to solve them for them.	2	extent	it asked?
3 Q.	Anything else you did as far as IT help?	3	Α. `	Yes.
4 A.	Not that I can think of right now.	4	Q.	Who was your supervisor or was there
5 Q.	When you said you shadowed the other	5		han one supervisor from November 2010 to
6 adr	mins how many well, what location were you at	6		er 2014 at Shell?
	m when you started with Synergy in 2010 until	7	Α. Ι	Danny Eckles or Daniel Eckles is the
	tober 2014? Was it the Wellsboro location?	8		ally hired me and then it transferred to
9 A.	There wasn't technically a Wellsboro	9		Summers.
10 loc	ation yet. It was the address was	10	Q.	Do you recall the time period from
	nsfield, but it was between Mansfield and	11		kles hiring to Summers?
12 We	ellsboro there was an office. And then we moved	12		don't remember the exact time.
	Wellsboro eventually.	13	Q.	After Mr. Summers, who was your next
14 Q.	From 2010 when you started until October	14	superv	
	14, where were you physically located?		•	believe it was Chris Anderson, but I'm
16 A.	At both locations.	16		nundred percent sure about that.
17 Q.	Say that again?	17		This is still up until October just
18 A.	At both locations. We	18		re on the same page, I'm only talking about
19 Q.	At both locations, that's what you said?	19		year period
^	100 100 100 100 100 100 100 100 100 100	1	A	y 1

can recall?

Well, I worked out of Mansfield, and

During the time that you started -- what

then we moved to Wellsboro during that time.

was your start date again in 2010 as far as you

20 A.

22 Q.

21

23

24

22

23

24

20 A.

21 Q.

Right.

-- when you say you were an

administrative assistant from November 2010 to

being now. Have you understood that to be my

October 2014. Just that period we're talking

_		ARNES v. (PLORATION AND PRODUCTION, et al.		JESSE BARNE August 2, 201
		Page 21		Page 23
1	ques	tion?	1	Mr. Slocum working consistently with Shell during
	A.	Yes.	2	the time period that you talked about?
3	Q.	Thus far you've indicated three people	3	
4	were	your supervisors; is that correct?	4	Q. I'm sorry. It's 2009 to 2012 you had a
5	A.	Yes.	5	romantic relationship with Mr. Slocum, correct?
6	Q.	Anyone else during that time period?	6	A. I believe so.
7	A.	Not that I recall right now.	7	Q. You didn't start Shell until 2010?
8	Q.	Did either of these three individuals	8	A. Correct.
9	ever	sexually harass you?	9	Q. Is Mr. Slocum how you became aware the
10	A.	No.	10	of the possibility of being hired through Synergy?
11	Q.	Did either of them ever treat you	11	A. No, it was vice versa. So I helped I
12		propriately?	12	didn't help him, I just gave his resume to a
	A.	No.	13	supervisor.
14	Q.	Prior did Duncan can ever work for	14	, ,
15		r Synergy or Shell?	15	5 - 1 - 1 - 9 -
	Α.	No.	16	Q. How do you spell Shane's last name?
17	Q.	Did you ever have a romantic	17	A. S-O-L-I-N-G-E-R.
18		onship with any Shell employee while from	18	Q. What did you tell Mr. Sollinger about
19		ber from November 2010 until the time you	19	Mr. Slocum?
20	left?	· ·	20	,
	Α.	Yes.	21	position and that he was looking for a different
	Q.	With whom?	22	career path.
	Α.	Clint Slocum.	23	Q. Why is it that you and Mr. Slocum's
24	Q.	Spell his name?	24	relationship ended?
		Page 22		Page 24
1	A.	S-L-O-C-U-M.	1	A. We just had a mutual agreement that we
2	Q.	His first name is Glen?	2	weren't going to go further in the relationship.
3	A.	Clint.	3	Q. As far as you know, did other employees
4	Q.	C-L-I-N-T?	4	at Shell know that you and Mr. Slocum had a
5	A.	Yes.	5	romantic relationship?
6	Q.	Anyone else?	6	A. Yes.
7	A.	Matt Bedrich.	7	Q. How is it that they knew?
8	Q.	Spell Matt's last name.	8	A. It's not like we were hiding it from
	A.	B-E-D-R-I-C-H.	9	anybody.
	Q.	Anyone else?	10	,
	Α.	Not that I can think of.	11	too?
	Q.	Is it possible that you did have a	12	• • • • • • • • • • • • • • • • • • • •
13		ntic relationship with individuals other than	13	the entire time.
14		e two, but you just can't recall who else?	14	
	Α.	Yes.	15	relationship in 2012 which you said was by mutual
	Q.	At what time period did your romantic	16	agreement, you two were living with each other?
17		onship with Mr. Slocum, when did that occur?		A. No.
	Α.	I think it ended in 2012.	18	Q. That was a bad question. I apologize.
	Q.	When I was 10. So almost three years	19	I didn't even understand my question. You
	A.	When I was 19. So almost three years.	20	indicated that you and Mr. Slocum's relationship
21	Q.	So that would be 2009, January 2009 is	21	ended in 2012, correct?

23 A.

24 Q.

22 when you were 19?

Yes.

During the time that you -- was

22 A.

23 Q.

24 A.

Correct.

Correct.

By mutual agreement, correct?

Page 25

- 1 Q. During the 2009 to 2012 period, did you
- 2 and he live with each other at any point in time?
- з A. Yes
- 4 Q. When did you stop living with each
- 5 other?
- 6 A. 2011.
- 7 Q. When did you start a relationship with
- 8 Matt Bedrich?
- 9 A. Later in 2012, I believe.
- 10 Q. Is it possible that you started a
- 11 relationship with Mr. Bedrich while you were still
- having a relationship with Mr. Slocum?
- 13 A. I was not in a relationship with Clint
- 14 when I started.
- 15 Q. Were you -- and you were not living with
- 16 Mr. Slocum at the time you and Mr. Bedrich started
- 17 a relationship, correct?
- 18 A. Correct.
- 19 Q. When did you and Mr. Bedrich's
- 20 relationship end?
- 21 A. 2013.
- 22 Q. Did you ever accuse Mr. Slocum or
- 23 Mr. Bedrich of sexual harassment?
- 24 A. No.

- 1 Q. Do you want to speak to your counsel?
- 2 A. No, I'm just -- basically, because he
- 3 didn't have a job. That he couldn't hold a job.
- 4 Q. Have you ever taken out any court
- 5 injunctions or court motions or protection from
- 6 abuse against anyone?
- A. I attempted to against Chris.
- 8 Q. When was that?
- 9 A. This past May, I believe.
- 10 Q. That would be may 2019?
- 11 A. Correct.
- 12 Q. This is when you were living in this
- area now where we are -- where does Mr. Deming
- 14 live?
- 15 A. Elmira, New York.
- 16 Q. And you attempted to take out a
- protection from abuse or a stay away order from
- 18 him?
- 19 A. Correct.
- 20 Q. Where did you file the papers?
- 21 A. Doylestown.
- 22 Q. Was he coming to the Doylestown area to
- 23 attempt to visit you or to harass you?
- 24 A. No.

Page 26

- 1 Q. Did you ever tell anyone at Shell that
- 2 either of those two had sexually harassed you?
- 3 A. No.
- 4 Q. During the time period that you worked
- 5 under Will Turney, did you have a boyfriend?
- 6 A. Yes.
- 7 Q. What was his name?
- 8 A. Christopher Deming.
- 9 Q. How do you spell his last name?
- 10 A. D-E-M-I-N-G.
- 11 Q. When did you begin your relation with
- 12 Mr. Deming?
- 13 A. 2015.
- 14 Q. When did your relationship end?
- 15 A. 2017.
- 16 Q. Where did Mr. Deming work?
- 17 A. He never held a steady job, so I'm not
- sure if I know how to answer that question.
- 19 Q. Did he ever work for any contractor that
- 20 worked for Shell?
- 21 A. No.
- 22 Q. Why did you and Mr. Deming's
- 23 relationship end?
- 24 A. Umm.

- 1 Q. For what reason did you take this or
- 2 attempt to take this legal action?
- 3 A. He would -- he downloaded apps so he'd
- 4 be able to text my number and constantly texted,
- 5 even though I asked him to stop. And he created a
- 6 fake social media account about me.
- 7 Q. Did that cause you stress and emotional
- 8 upset?
- 9 A. Yes.
- 10 Q. In one of your documents that you sent
- to Ms. Kloosterman back in December of 2016, you
- indicated that certain things triggered your PTSD.
- 13 Do you recall writing her that?
- 14 A. Yes.
- 15 Q. I'm going to hand you two exhibits,
- which we will mark as **Barnes-1** and 2. Barnes-1 is
- 17 December 6th, 2016 email to Ms. Kloosterman.
- 18 Barnes-2 is also -- let me see if I can get the
- 19 times.
- Let me he have this. Barnes-1
- 21 is a December 6th, 2016 email. Barnes-2 is a
- 22 December 7th, 2016 email. Off the record while we
- 23 mark these.
- 24 THE VIDEOTAPE TECHNICIAN: The

Page 29 Page 31 time is now 10:40. Going off the video 1 Q. Is that where you're originally from? 1 2 record. 2 A. 3 Q. How is it that your sister is in 3 (Whereupon, Barnes-1 and Corning, New York? 4 4 Barnes-2 were marked for identification She works in Ithaca, New York, which is 5 5 A. and are attached hereto.) close to Corning, New York. 6 6 7 Q. Who does she work for in Ithaca, New 7 York? 8 THE VIDEOTAPE TECHNICIAN: The 8 time is now 10:47. Back on the video 9 A. She works for a hospital. 9 record. 10 Q. What hospital? 10 BY MR. TUCKER: 11 A. I don't recall the name right now. 11 12 Q. 12 Q. Ms. Barnes, you've had an opportunity to What is her position there? look at the documents that we have marked as 13 A. She's a human resources specialist. 13 Barnes-1 and Barnes-2; is that correct? 14 Q. How long has she been a human resources 14 15 A. Yes. specialist? 15 16 A. 16 Q. When was the last time you saw these I'd say over 10 years. documents? 17 Q. When was the first time -- and don't 17 18 A. When I worked at Shell. tell me about your conversation, but when is the 18 19 Q. Have you looked at these documents in 19 first time you contacted a lawyer about the claims preparation for your deposition? 20 that you're making here in this case? 20 21 A. 21 A. 2017. 22 Q. Identify for me all the documents, if 22 Q. When in 2000 -- I'll represent to you any, that you have reviewed in preparation for that your EEOC complaint was filed in April of 23 23 your deposition? 24 2017. Did you contact your lawyer before the 24 Page 30 Page 32 April 25th, 2017 EEOC complaint or after? 1 A. I reviewed the court documents. 2 Q. When you say the court documents, do you 2 A. Before. mean the legal complaint? 3 Q. How long before? 3 Probably a month or -- a month or two 4 A. Yes. 4 A. 5 Q. Anything else? before. 5 Some of the text messages that I Is that the same law firm who represents 6 A. 6 Q. you now? 7 supplied. 7 8 Q. Text messages between yourself and Will? 8 A. Yes. 9 A. 9 Q. Did your sister recommend that law firm? 10 Q. Any other text messages that you 10 A. reviewed? 11 Q. Let's go back to the document that we 11 Not that I -- oh, my sister. have looked at as Barnes-2. I'm going to show you 12 A. 12 What's your sister's name? the sentence I was referring to -- and also, if at 13 Q. 13 any point in time today, if I'm reaching in your 14 A. I have two sister's, Lori and Stacy. 14 15 Q. We have been supplied, I think, just personal space and you feel uncomfortable, please 15 let me know. It's not my goal to make you feel text messages between yourself and Stacy. Did you 16 16 also review text messages with Lori? uncomfortable. 17 17 18 A. Yes. 18 A. I understand. 19 Q. Where does Stacy live? 19 Q. So do I have permission to reach over 20 A. Corning, New York. 20 towards you? 21 Q. Do you have -- does your family have 21 A. Yes. some type of relationship with that portion of New 22 Q. You see where it says, he contradicts a 22 York near Corning or Elmira? lot of his direction. I think he also has an 23 23 24 A. Relationship? 24 aggressive personality, which is something that

SH	ELL EXPLORATION AND PRODUCTION, et al.			August 2, 2019
	Page 33			Page 35
1	triggers my PTSD. Did I read that correctly?	1	Α.	Wellsboro, Pennsylvania.
	A. Yes.	2	_	-
3		3		pelieves you have PTSD?
4	Mr. Kloosterman back on December 7th, 2016,		Α.	-
5	correct?	5	_	-
6	A. Yes.	6	Ν	Mr. Deming, have you sought any type of
7	Q. Do you have have you ever been	7		counselling or therapy?
8	diagnosed with PTSD?	8		
9		9		Doylestown, but I never went there.
10	doctor.	10	_	-
11	Q. Which doctor is that?	11	t	hat you contacted?
12	A. Megan Kloosterman I'm sorry. Courtney	12	Α.	-
13	Babcock.	13	Q.	_
14	Q. B-A-B-C-O-C-K?	14	ι	upsetting?
15	A. Yes.	15	Α.	-
16	Q. Where is Dr. Babcock's practice?	16	Q.	. Did they cause you emotional distress?
17	A. I'm sorry. Also I'll come back to	17	Α.	At times.
18	your question. Her name was Mary Laumiller was my	18	Q.	. Did you find yourself crying?
19	counselor.	19	Α.	Yeah.
20	Q. Mary?	20	Q.	. How long did you see Mary Laumiller
21	A. I can't remember how to spell her last	21	ľ	'm butchering her last name. Give it to me one
22	name now.	22	r	more time.
23	Q. When did you start seeing Mary	23	Α.	I can't even give.
24	Laumiller?	24	Q.	. Pronounce it for me one more time?
	Page 34			Page 36
1	Page 34 A. 2017.		Α.	
		1	A. Q.	I think it's Laumiller.
	A. 2017. Q. Was it before or after you consulted	1	Q.	I think it's Laumiller.
2	A. 2017.Q. Was it before or after you consulted	1 2 3	Q.	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct?
2 3 4	 A. 2017. Q. Was it before or after you consulted with a lawyer you started seeing Mary Laumiller? A. After. Q. How is it that you learned of Mary 	1 2 3 4	Q. N A. Q.	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct? Yes. And it's your testimony you started to
2 3 4	A. 2017.Q. Was it before or after you consulted with a lawyer you started seeing Mary Laumiller?A. After.	1 2 3 4	Q. N A. Q.	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct? Yes.
2 3 4 5 6	 A. 2017. Q. Was it before or after you consulted with a lawyer you started seeing Mary Laumiller? A. After. Q. How is it that you learned of Mary 	1 2 3 4 5	Q. A. Q.	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct? Yes. And it's your testimony you started to seeing her at the recommendation of your sister Lori and Dr. Babcock, that they suggested that you
2 3 4 5 6	 A. 2017. Q. Was it before or after you consulted with a lawyer you started seeing Mary Laumiller? A. After. Q. How is it that you learned of Mary Laumiller's name? A. Google. I just Googled counselors in my area. 	1 2 3 4 5 6	Q. A. Q.	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct? Yes. And it's your testimony you started to seeing her at the recommendation of your sister Lori and Dr. Babcock, that they suggested that you see a therapist, correct?
2 3 4 5 6 7	 A. 2017. Q. Was it before or after you consulted with a lawyer you started seeing Mary Laumiller? A. After. Q. How is it that you learned of Mary Laumiller's name? A. Google. I just Googled counselors in my area. Q. Did anyone suggest to you that you see a 	1 2 3 4 5 6 7	Q. A. Q. S L	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct? Yes. And it's your testimony you started to seeing her at the recommendation of your sister Lori and Dr. Babcock, that they suggested that you see a therapist, correct? A counselor, yes.
2 3 4 5 6 7 8 9	 A. 2017. Q. Was it before or after you consulted with a lawyer you started seeing Mary Laumiller? A. After. Q. How is it that you learned of Mary Laumiller's name? A. Google. I just Googled counselors in my area. Q. Did anyone suggest to you that you see a counselor? 	1 2 3 4 5 6 7 8 9	Q. A. Q. S. A. Q.	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct? Yes. And it's your testimony you started to seeing her at the recommendation of your sister Lori and Dr. Babcock, that they suggested that you see a therapist, correct? A counselor, yes. A counselor. For what reason did your
2 3 4 5 6 7 8 9	 A. 2017. Q. Was it before or after you consulted with a lawyer you started seeing Mary Laumiller? A. After. Q. How is it that you learned of Mary Laumiller's name? A. Google. I just Googled counselors in my area. Q. Did anyone suggest to you that you see a counselor? A. Yes. 	1 2 3 4 5 6 7 8 9 10	Q. M. A. Q. S. L. S. A. Q. S.	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct? Yes. And it's your testimony you started to seeing her at the recommendation of your sister Lori and Dr. Babcock, that they suggested that you see a therapist, correct? A counselor, yes. A counselor. For what reason did your sister Lori tell you to see a counselor?
2 3 4 5 6 7 8 9	 A. 2017. Q. Was it before or after you consulted with a lawyer you started seeing Mary Laumiller? A. After. Q. How is it that you learned of Mary Laumiller's name? A. Google. I just Googled counselors in my area. Q. Did anyone suggest to you that you see a counselor? A. Yes. Q. Who suggested to you that see a 	1 2 3 4 5 6 7 8 9 10 11	Q. A. A. A. Q. S. A. A. A.	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct? Yes. And it's your testimony you started to seeing her at the recommendation of your sister Lori and Dr. Babcock, that they suggested that you see a therapist, correct? A counselor, yes. A counselor. For what reason did your sister Lori tell you to see a counselor? To help my anxiety.
2 3 4 5 6 7 8 9 10 11 12	 A. 2017. Q. Was it before or after you consulted with a lawyer you started seeing Mary Laumiller? A. After. Q. How is it that you learned of Mary Laumiller's name? A. Google. I just Googled counselors in my area. Q. Did anyone suggest to you that you see a counselor? A. Yes. Q. Who suggested to you that see a counselor? 	1 2 3 4 5 6 7 8 9 10 11	Q. M. A. Q. S. A. Q.	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct? Yes. And it's your testimony you started to seeing her at the recommendation of your sister Lori and Dr. Babcock, that they suggested that you see a therapist, correct? A counselor, yes. A counselor. For what reason did your sister Lori tell you to see a counselor? To help my anxiety. Any other reason why your sister told
2 3 4 5 6 7 8 9 10 11 12 13 14	 A. 2017. Q. Was it before or after you consulted with a lawyer you started seeing Mary Laumiller? A. After. Q. How is it that you learned of Mary Laumiller's name? A. Google. I just Googled counselors in my area. Q. Did anyone suggest to you that you see a counselor? A. Yes. Q. Who suggested to you that see a counselor? A. Family members. 	1 2 3 4 5 6 7 8 9 10 11 12 13 14	Q. M. A. Q. S. L. S. A. Q. S. A. Q. S. A. Q. Y.	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct? Yes. And it's your testimony you started to seeing her at the recommendation of your sister Lori and Dr. Babcock, that they suggested that you see a therapist, correct? A counselor, yes. A counselor. For what reason did your sister Lori tell you to see a counselor? To help my anxiety. Any other reason why your sister told you to see Dr. Laumiller?
2 3 4 5 6 7 8 9 10 11 12 13 14	 A. 2017. Q. Was it before or after you consulted with a lawyer you started seeing Mary Laumiller? A. After. Q. How is it that you learned of Mary Laumiller's name? A. Google. I just Googled counselors in my area. Q. Did anyone suggest to you that you see a counselor? A. Yes. Q. Who suggested to you that see a counselor? A. Family members. Q. Which family members suggested to you 	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. M. A. Q. S. A. Q. S. A. Q. Y. A.	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct? Yes. And it's your testimony you started to seeing her at the recommendation of your sister Lori and Dr. Babcock, that they suggested that you see a therapist, correct? A counselor, yes. A counselor. For what reason did your sister Lori tell you to see a counselor? To help my anxiety. Any other reason why your sister told you to see Dr. Laumiller or Ms. Laumiller? No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 A. 2017. Q. Was it before or after you consulted with a lawyer you started seeing Mary Laumiller? A. After. Q. How is it that you learned of Mary Laumiller's name? A. Google. I just Googled counselors in my area. Q. Did anyone suggest to you that you see a counselor? A. Yes. Q. Who suggested to you that see a counselor? A. Family members. Q. Which family members suggested to you that you see a counselor? 	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. M. A. Q. S. L. S. A. Q. S. A. Q. S. A. Q. Q. S. A. Q.	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct? Yes. And it's your testimony you started to seeing her at the recommendation of your sister Lori and Dr. Babcock, that they suggested that you see a therapist, correct? A counselor, yes. A counselor. For what reason did your sister Lori tell you to see a counselor? To help my anxiety. Any other reason why your sister told you to see Dr. Laumiller or Ms. Laumiller? No. Why did Dr. Babcock tell you to see a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 A. 2017. Q. Was it before or after you consulted with a lawyer you started seeing Mary Laumiller? A. After. Q. How is it that you learned of Mary Laumiller's name? A. Google. I just Googled counselors in my area. Q. Did anyone suggest to you that you see a counselor? A. Yes. Q. Who suggested to you that see a counselor? A. Family members. Q. Which family members suggested to you that you see a counselor? A. Lori, my sister. 	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. M. A. Q. S. A. Q. S. A. Q. S. A. Q.	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct? Yes. And it's your testimony you started to seeing her at the recommendation of your sister Lori and Dr. Babcock, that they suggested that you see a therapist, correct? A counselor, yes. A counselor. For what reason did your sister Lori tell you to see a counselor? To help my anxiety. Any other reason why your sister told you to see Dr. Laumiller or Ms. Laumiller? No. Why did Dr. Babcock tell you to see a counselor?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 A. 2017. Q. Was it before or after you consulted with a lawyer you started seeing Mary Laumiller? A. After. Q. How is it that you learned of Mary Laumiller's name? A. Google. I just Googled counselors in my area. Q. Did anyone suggest to you that you see a counselor? A. Yes. Q. Who suggested to you that see a counselor? A. Family members. Q. Which family members suggested to you that you see a counselor? A. Lori, my sister. Q. Who else? 	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. M. A. Q. S. A. Q. S. A. Q. S. A. Q. C. A. Q. C. A.	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct? Yes. And it's your testimony you started to seeing her at the recommendation of your sister Lori and Dr. Babcock, that they suggested that you see a therapist, correct? A counselor, yes. A counselor. For what reason did your sister Lori tell you to see a counselor? To help my anxiety. Any other reason why your sister told you to see Dr. Laumiller or Ms. Laumiller? No. Why did Dr. Babcock tell you to see a counselor? My anxiety and how to cope with.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 A. 2017. Q. Was it before or after you consulted with a lawyer you started seeing Mary Laumiller? A. After. Q. How is it that you learned of Mary Laumiller's name? A. Google. I just Googled counselors in my area. Q. Did anyone suggest to you that you see a counselor? A. Yes. Q. Who suggested to you that see a counselor? A. Family members. Q. Which family members suggested to you that you see a counselor? A. Lori, my sister. Q. Who else? A. My doctor. 	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. M. A. C. S. A. Q. S. A. Q. C. A. Q.	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct? Yes. And it's your testimony you started to seeing her at the recommendation of your sister Lori and Dr. Babcock, that they suggested that you see a therapist, correct? A counselor, yes. A counselor. For what reason did your sister Lori tell you to see a counselor? To help my anxiety. Any other reason why your sister told you to see Dr. Laumiller or Ms. Laumiller? No. Why did Dr. Babcock tell you to see a counselor? My anxiety and how to cope with. Cope with what?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 A. 2017. Q. Was it before or after you consulted with a lawyer you started seeing Mary Laumiller? A. After. Q. How is it that you learned of Mary Laumiller's name? A. Google. I just Googled counselors in my area. Q. Did anyone suggest to you that you see a counselor? A. Yes. Q. Who suggested to you that see a counselor? A. Family members. Q. Which family members suggested to you that you see a counselor? A. Lori, my sister. Q. Who else? A. My doctor. Q. Your doctor being Dr. Babcock? 	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. M. A. Q. S. A. Q. S. A. Q. S. A. Q. G. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A.	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct? Yes. And it's your testimony you started to seeing her at the recommendation of your sister Lori and Dr. Babcock, that they suggested that you see a therapist, correct? A counselor, yes. A counselor. For what reason did your sister Lori tell you to see a counselor? To help my anxiety. Any other reason why your sister told you to see Dr. Laumiller or Ms. Laumiller? No. Why did Dr. Babcock tell you to see a counselor? My anxiety and how to cope with. Cope with what? Anxiety.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 A. 2017. Q. Was it before or after you consulted with a lawyer you started seeing Mary Laumiller? A. After. Q. How is it that you learned of Mary Laumiller's name? A. Google. I just Googled counselors in my area. Q. Did anyone suggest to you that you see a counselor? A. Yes. Q. Who suggested to you that see a counselor? A. Family members. Q. Which family members suggested to you that you see a counselor? A. Lori, my sister. Q. Who else? A. My doctor. Q. Your doctor being Dr. Babcock? A. Yes. 	1 2 3 4 4 5 6 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. M. A. Q. S. S. A. Q. S. S. A. Q. S. S. A. Q. S.	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct? Yes. And it's your testimony you started to seeing her at the recommendation of your sister Lori and Dr. Babcock, that they suggested that you see a therapist, correct? A counselor, yes. A counselor. For what reason did your sister Lori tell you to see a counselor? To help my anxiety. Any other reason why your sister told you to see Dr. Laumiller or Ms. Laumiller? No. Why did Dr. Babcock tell you to see a counselor? My anxiety and how to cope with. Cope with what? Anxiety. Did Dr. Babcock attribute your anxiety
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 A. 2017. Q. Was it before or after you consulted with a lawyer you started seeing Mary Laumiller? A. After. Q. How is it that you learned of Mary Laumiller's name? A. Google. I just Googled counselors in my area. Q. Did anyone suggest to you that you see a counselor? A. Yes. Q. Who suggested to you that see a counselor? A. Family members. Q. Which family members suggested to you that you see a counselor? A. Lori, my sister. Q. Who else? A. My doctor. Q. Your doctor being Dr. Babcock? A. Yes. Q. Anyone else? 	1 2 3 4 4 5 6 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. M. A. Q. S.	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct? Yes. And it's your testimony you started to seeing her at the recommendation of your sister Lori and Dr. Babcock, that they suggested that you see a therapist, correct? A counselor, yes. A counselor. For what reason did your sister Lori tell you to see a counselor? To help my anxiety. Any other reason why your sister told you to see Dr. Laumiller or Ms. Laumiller? No. Why did Dr. Babcock tell you to see a counselor? My anxiety and how to cope with. Cope with what? Anxiety. Did Dr. Babcock attribute your anxiety o any triggering event?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 A. 2017. Q. Was it before or after you consulted with a lawyer you started seeing Mary Laumiller? A. After. Q. How is it that you learned of Mary Laumiller's name? A. Google. I just Googled counselors in my area. Q. Did anyone suggest to you that you see a counselor? A. Yes. Q. Who suggested to you that see a counselor? A. Family members. Q. Which family members suggested to you that you see a counselor? A. Lori, my sister. Q. Who else? A. My doctor. Q. Your doctor being Dr. Babcock? A. Yes. 	1 2 3 4 4 5 6 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. M. A. Q. S. S. A. Q. S. S. A. Q. S. S. A. Q. S.	I think it's Laumiller. Laumiller. So you started seeing Ms. Laumiller some time in 2017, correct? Yes. And it's your testimony you started to seeing her at the recommendation of your sister Lori and Dr. Babcock, that they suggested that you see a therapist, correct? A counselor, yes. A counselor. For what reason did your sister Lori tell you to see a counselor? To help my anxiety. Any other reason why your sister told you to see Dr. Laumiller or Ms. Laumiller? No. Why did Dr. Babcock tell you to see a counselor? My anxiety and how to cope with. Cope with what? Anxiety. Did Dr. Babcock attribute your anxiety o any triggering event? Yes.

	Page 37		Page 39
1	anxiety being caused by?	1	prescription filled?
2	A. What I was subjected to at Shell.	2	A. I don't know the exact number.
3	Q. Did you tell Dr. Babcock what you were	3	Q. Did you pay for it or did your insurance
4	subjected to at Shell?	4	pay for it?
5	A. Yes.	5	A. My insurance covered some of it.
6	Q. Did she prescribe you any medications?	6	Q. Who were you insured by at that time
7	A. Yes.	7	Shell?
8	Q. What did she prescribe you?	8	A. Yes.
9	A. I don't know the technical name for it,	9	Q. When was the last time you took any type
10	but it was a low dosage anxiety medication.	10	of medication for your anxiety?
11	Q. When did she first prescribe this	11	A. 2018.
12	medication to you?	12	Q. Was this anxiety related to Shell or was
13		13	this overall anxiety?
14	think it was in 2017 though.	14	A. It was related to Shell.
15	Q. When is the first time you told	15	, ,
16	Dr. Babcock about what you were being subjected to	16	you with having anxiety?
17	at Shell?	17	A. No.
18	A. In 2017.	18	Q. Had you ever been treated for any type
19	Q. Did you tell her all the things that you	19	of mental or psychological issues?
20	were subjected to at Shell?	20	A. No.
21	, 5	21	Q. Had you ever sought any type of therapy
22	Q. But you were being truthful and honest	22	or counselling?
23	with her?		
24	A. Yes.	24	Q. Your mother at one time worked at Shell;
	Page 38		Page 40
1	Q. And you wanted to be truthful and honest	1	is that correct?
2	with her so she could make a correct and accurate	2	A. Yes, that's correct.
3	diagnosis, correct?	3	Q. When did your mother work at Shell?
4	A. Correct.	4	A. She worked there before I started. So
5	Q. And you wanted her to prescribe	5	before 2010.
6	medication to you that would help with her	6	Q. What was her position?
7	accurate diagnosis, correct?	7	A. She started as an administrative
8	A. If that was her recommendation.	8	assistant.
9	Q. Did you actually take the medication	9	Q. What did she leave as?
10	that Dr. Babcock prescribed for you?	10	A. Scheduler.
11		11	Q. So she started a similar position that
12	Q. Where did you got the prescriptions	12	you started as when you were contracted for an
13	filled?	13	administrative assistant?
14	A. At a pharmacy.	14	A. Correct.
15	, ,	15	Q. Did I ask you how many years did she
16		16	work there?
17		17	A. I think she left in well, she was
18	•	18	her position was dissolved in 2015. I don't know
19	·	19	if that is the exact date or year.
20	PA?	20	Q. So you were working as a contract
21		21	employee while your mother was also employed at
22	Q. On what street is the CVS?	22	Shell?

23 A.

24 Q.

I guess Main Street.

How many times did you get the

23 A.

24 Q.

That's correct.

Did your mother -- when your mother left

Page 41

- 1 Shell, is it fair to say that she was somewhat
- 2 unhappy with Shell?
- з A. Yeah.
- 4 Q. Could you tell me he about that, please?
- 5 From what you know.
- 6 A. Her position was dissolved is how they
- 7 worded it. And they kept a male scheduler over
- 8 her.
- 9 Q. Did your mother consult with a lawyer?
- 10 A. Not that I'm aware of.
- 11 Q. Did your mother tell you about her
- belief that they kept a male scheduler over her?
- 13 A. They did keep a male scheduler over her.
- 14 Q. She told you about that, correct?
- 15 Your mother told you that?
- 16 A. Yeah.
- 17 Q. Was she upset about that?
- 18 A. Yeah.
- 19 Q. As far as you know, she never consulted
- 20 a lawyer?
- 21 A. Not that I'm aware of.
- 22 Q. Do you know who the decision-makers were
- 23 who decided to keep this male scheduler over your
- 24 mother?

- 1 Q. Are you, in this litigation, accusing
- 2 Mr. of discrimination or harassment?
- 3 A. Not in this litigation.
- 4 Q. What about Robin Grewet, in this
- 5 litigation are you accusing Robin Grewet -- is
- 6 that a male or female?
- 7 A. Female.
- 8 Q. Are you accusing Ms. Grewet of
- 9 discrimination or harassment in this litigation?
- 10 A. No
- 11 Q. We've already covered Mr. Summers, you
- are not accusing Mr. Summers of discrimination or
- 13 harassment in this litigation, correct?
- 14 A. Correct.
- 15 Q. Do you still have Mr. Deming's telephone
- 16 number? Do you know his telephone number?
- 17 A. Yeah. He's blocked though.
- 18 Q. What is his telephone number?
- 19 A. I don't know the number without looking
- 20 at my phone.
- 21 Q. But you have the ability to find his
- 22 number by looking at your phone?
- 23 A. Correct.
- 24 Q. When we take a break, could you look at

Page 42

- 1 A. Leadership.
- 2 Q. Is that person's name, leadership?
- 3 A. No. We have a leadership team that
- 4 makes those decisions.
- 5 Q. Do you know who on the leadership team
- 6 made that decision?
- A. I don't know specifically because I
- 8 think it was a team.
- Q. Do you know who was on the team that
- 10 reportedly --
- 11 A.
- 12 Q. -- let me finish. -- that reportedly
- made this decision to keep this male scheduler
- 14 over your mother?
- 15 A. I believe it was
- 16 Q. Anyone else?
- 17 A. Robin Grewet, David Summers.
- 18 Q. Keep going.
- 19 A. That's all I can think of right now.
- 20 Q. how do you pronounce his last
- 21 name?
- 22 A.
- 23 Q.
- 24 A. Yes.

- 1 your phone and provide us with Mr. Deming's
- 2 telephone number. Okay?
- з A. Okay.
- 4 Q. Did you ever talk to Mr. Deming about
- 5 the issues that you were having, that is the
- 6 harassment, discrimination you allege in this
- 7 case, did you ever talk to Mr. Deming about those
- 8 issues?
- 9 A. Yes.
- 10 Q. Were you being truthful with him when
- 11 you talked to him about the issues that you were
- 12 having at Shell, the harassment and
- 13 discrimination?
- 14 A. Yes.
- 15 Q. Let's go back to Ms. Laumiller. You
- 16 indicated that you started seeing Ms. Laumiller
- 17 sometime in 2017, correct?
- 18 A. Correct.
- 19 Q. When did you stop seeing Ms. Laumiller?
- 20 A. Shortly after that in -- or it was
- 21 I think 2018.
- 22 Q. Did you start seeing Ms. Laumiller late
- 23 2017 or mid or early 2017; if you recall?
- 24 A. I don't recall.

SHELL EXPLORATION AND PRODUCTION, et al.	JESSE BARNES August 2, 2019
Page 45	
1 Q. How many visits did you have with	1 see the therapist about what happened at Shell?
2 Laumiller?	2 A. What happened at Shell.
3 A. I believe three, maybe more.	3 Q. When did you leave Shell?
4 Q. Why is it that you stopped seeing	4 A. April of 2019.
5 Ms. Laumiller?	5 Q. What was your salary when you left?
6 A. I didn't think I was really getting the	6 A. I think, roughly around 65,000.
7 support I was looking for.	7 Q. Why did you leave Shell?
8 Q. What type of support were you looking	8 A. To get away from the environment that I
9 for from a counselor or a therapist?	9 was in.
10 A. I was looking for more ways to cope with	10 Q. If I understand correctly, you are
11 my anxiety and having to work in the work	11 making more money at your present job than you
12 environment that I was in.	made at Shell; is that correct?
13 Q. After you ceased seeing Ms. Laumiller,	13 A. That's correct.
14 did you seek assistance or help from another	14 MR. TUCKER: Counsel, are you
15 counselor or therapist?	15 guys alleging destructive discharge?
16 A. No.	16 MS. GURMANKIN: We can discuss
17 Q. Other than Ms. Laumiller, and we'll get	17 that off-line, if you'd like. You have
18 to Dr we'll go back to Dr. Babcock have you	18 her testimony today.
19 seen anyone else for what you say is your anxiety	19 BY MR. TUCKER:
20 caused by what you went through at Shell?	20 Q. Was there any triggering event in March
21 A. No.	21 or April of 2019 that caused you to leave Shell?
22 Q. Have you spoken to a religious person, a	22 A. Just the constant or repeatedly trying
23 priest, a rabbi or anything like that about the	23 to get a resolution from what had happened and I
24 issues that you suffered while you were at Shell?	24 wasn't getting anywhere with that.
21 locate that you can broat write you were at orion.	21 washing any whore with that.
Page 46	Page 48
1 A. No.	1 Q. What resolution were you seeking? What
2 Q. Are you presently seeing Dr is	2 were you looking for?
3 Dr. Babcock presently your family doctor?	3 A. I was just trying to get transferred to
4 A. Yeah. She's my primary doctor.	4 another area.
5 Q. It's always tough when men take these	5 Q. When you say another area, you mean
6 kind of depositions. Do you have an OB/GYN?	6 another physical location?
7 A. Yeah.	7 A. Within Shell, yes.
8 Q. Have you ever talked to your OB/GYN	8 Q. Another geographical location?
9 about any of the issues related to the	9 A. Yes, Pittsburgh, Pennsylvania.
10 discrimination or harassment that has happened,	10 Q. You wanted to be transferred to where?
that you alleged happened at Shell?	11 A. Pittsburgh, Pennsylvania.
12 A. No.	12 Q. As in Pittsburgh Pirates, Pittsburgh
13 Q. Are there any other medical doctors,	13 Penguins?
other than Dr. Babcock, with whom you discussed	14 A. Yes.
the discrimination, harassment and the anxiety	15 Q. Because there's also Pittsboro?
that it's caused you?	16 A. Oh, okay.
17 A. No.	17 Q. Was there a position in Pittsburgh that
18 Q. Do you have any plans to see a	18 you sought?
19 therapist?	19 A. Yes.
- A	0 140 ();; (1 (0

No.

Do you have someone in mind?

Do you plan to see the therapist about

what happened with Mr. Deming or do you plan to

20 A.

21 Q.

22 A.

23 Q.

20 Q.

21 A.

22 Q.

23 A.

24 Q.

What position was that?

What does PM stand for?

Preventative maintenance.

Did you post for that position?

PM planner.

JESSE BARNES v. SHELL EXPLORATION AND PRODUCTION, et al.	JESSE BARNE August 2, 201
Page 49	Page 51
1 A. Yes.	1 for promotions, the hostile work environment and
2 Q. Did you interview for that position?	2 because you didn't get the preventative
3 A. No.	3 maintenance planner position; is that correct?
4 Q. Did you believe you were qualified for	4 MS. GURMANKIN: Objection to
5 that position?	5 form.
6 A. Yes.	6 BY MR. TUCKER:
7 Q. What were the qualifications necessary	7 Q. Is that correct?
8 for the position?	8 A. Well, the preventative maintenance
9 A. I don't have, like, a description in	9 planner was a part of the promotions.
front of me, but I believe it was along the lines	10 Q. So there are two reasons. Rejecting you
of creating preventative maintenance plans for the	11 for promotions and the hostile work environment
12 asset.	12 and why you left?
13 Q. Prior to March of 2018, had you ever	MS. GURMANKIN: Same objection.
created any preventative maintenance plans?	You can answer.
15 A. Yes.	15 THE WITNESS: Yes. There were
16 Q. When had you done that?	many reasons why not many, but there
17 A. In my role as a maintenance analyst.	were reasons why I left Shell. I
18 Q. That would have been from October 2014	wouldn't say those were the only two
until when? Is it your position in this	19 reasons.
20 litigation that as of October 2014 you became a	20 BY MR. TUCKER:
naintenance analyst?	21 Q. That's the question. Remember I told
22 A. Correct.	you early on this is my only time to ask you
23 Q. And you were a maintenance analyst from	23 questions. I'm asking to you give me all of
October 2014 until when?	the your term, many reasons why you left. The
Page 50	Page 52
1 A. January 2017.	1 indicated two, because of the hostile work
MR. TUCKER: Let's take our	2 environment and they rejected you for promotions.
3 first break.	3 Anything else?
4 THE VIDEOTAPE TECHNICIAN: The	4 A. The sexual harassment that I was
5 time is now 11:10. Going off the video	5 subjected to while I was there, the comments that
6 record.	6 were made based on my sex.
7	7 Q. Let me stop you for a second. Were
8 (Whereupon, a brief recess was	8 these comments still being made to you in 2019?
9 held.)	9 A. Not to me, no.
10	10 Q. Was the sexual harassment still going on
THE VIDEOTAPE TECHNICIAN: 22.	11 in 2019?
12 Back on the video record.	12 A. No.
13 BY MR. TUCKER:	13 Q. Was the hostile work environment still
14 Q. This position of preventative	14 going on in 2019?
maintenance planner, is it because you did not get	15 A. Yes.
that position that you left Shell?	16 Q. Who was subjecting you to the hostile
17 A. No.	work environment? Identify the person or persons

- 23 Q. So if I understand, you've identified
- - three reasons why you left Shell. Rejecting you

- environment? Identify the person or persons
- who was subjecting you to the hostile work 18
- environment in 2019? 19
- 20 A. Will Turney, Hondo Blakely.
- 21 Q. Anyone else?
- Ken Forman. 22 A.
- 23 Q. Anyone else?
- 24 A. That's all the I can think of right now.

Pa	ge	53

- 1 Q. Any other reasons why -- I want to go
- 2 back now to any other reason why you left Shell?
- 3 Or a better question, have you given me all the
- 4 reasons why you left Shell?
- 5 A. Another reason I left Shell was because
- 6 the job opportunity that was presented to me with
- 7 my current company.
- 8 Q. Any other reason?
- 9 A. Not that I can think of right now.
- 10 Q. When you applied for your present job,
- 11 did you tell them that one of the reasons you were
- 12 looking it leave Shell was because of a hostile
- 13 work environment?
- 14 A. No.
- 15 Q. You've identified what you believe is
- one position that you were failed to give a
- 17 promotion. Are there any other positions where
- 18 you believe that you were failed to get
- 19 promotions?
- 20 A. I applied to a few other promotions.
- 21 Q. What are they?
- 22 A. Sorry. Environmental technician, and
- there was an analyst role, I believe it was an
- 24 analyst role in California.

- positions, the environmental technology analyst
- 2 role in California. Any other positions?
- 3 A. The schedule position.
- 4 Q. Where was the scheduler position?
- 5 A. Wellsboro.
- 6 Q. Any other positions?
- 7 A. I don't think so.
- 8 Q. The analyst role in California, do you
- 9 believe you were qualified for that?
- 10 A. Yes.
- 11 Q. Do you know who got the job?
- 12 A. I do not.
- 13 Q. Were you told why you didn't get the
- 14 job?
- 15 A. No, I believe I left Shell before the
- 16 job was closed.
- 17 Q. The scheduler position, did you get that
- 18 job?
- 19 A. No, I did not.
- 20 Q. Do you know who did get the job?
- 21 A. Yes.
- 22 Q. Who got the job?
- 23 A. Jeremy Green.
- 24 Q. Do you believe you were more qualified

Page 54

- 1 Q. Any other?
- 2 A. Not that I can think of right now.
- 3 Q. Why didn't you got the environmental
- 4 technician position?
- 5 A. I was told that the person hired had
- 6 more experience.
- 7 Q. Do you have any facts to support -- to
- 8 disagree with that, that the person who was hired
- 9 had more experience?
- 10 A. I wouldn't know because I didn't see his
- 11 resume.
- 12 Q. Do you know if it was a man or a woman?
- 13 A. I believe it was a man.
- 14 Q. Do you know who it was?
- 15 A. I do not.
- 16 Q. Who told you this?
- 17 A. Told me it was a man?
- 18 Q. Yeah.
- 19 A. I spoke to the hiring manager.
- 20 Q. Who was the hiring manager you spoke to?
- 21 A. Jim Sewell I think his name was for the
- 22 environmental tech job. There was a different one
- 23 for the PM planner.
- 24 Q. Anything else? You've identified two

- 1 than Ms. Green to get the position?
- 2 A. Yes.
- 3 Q. What do you base that upon?
- 4 A. I had more experience with a team than
- 5 he did.
- 6 Q. Do you know what the pay was for that?
- 7 A. The pay grade was six. I'm not sure of
- 8 the dollar amount.
- 9 Q. Did you interview for the scheduler
- 10 position?
- 11 A. Yes, I did.
- 12 Q. Who did you interview with?
- 13 A. Hondo Blakely and Will Turney.
- 14 Q. When did you interview with them?
- 15 A. I believe it was in -- it was in 2016.
- 16 Q. It was 2016? Do you recall when in
- 17 2016?
- 18 A. I don't recall.
- 19 Q. I'm sorry. Do you know why you did not
- 20 get the scheduler position?
- 21 A. I do not know.
- 22 Q. Was it -- when you interviewed for the
- 23 scheduler position, was it before or after you
- 24 called Shell's help line?

	SSE BARNES V. IELL EXPLORATION AND PRODUCTION, et al.	JESSE BARI August 2, 2	
	Page 57	Page	
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	A. It was after.	what they said were relevant emails from you. I'm	1
	Q. You called Shell's help line in November	2 going to hand you all of the not emails, I'm	
3	,	3 sorry, texts that you provided to them. We're	
	A. I did not call it was an online email	4 going to go off the record and I want you to find	
5		5 in these texts where you complained to Mr. Turne	-
6		6 about employees, they were sexually harassing you	u?
7		7 Is that	
8		8 A. Yes.	
9		9 Q. I want you to find in these texts that	
10		10 you provided to your counsel and provided to us	
	Q. Is it your testimony that you applied	where you complained to Mr. Turney about an	
12	,	employee or employees sexually harassing you.	
13	•	13 Okay?	
	A. Yes.	14 A. Okay.	
15	, ,	15 Q. These are Bates stamped Barnes 587 to	
16	3 ,	16 Barnes 737. Okay?	
17	,	17 A. Okay.	
18	, 1 31	18 Q. We're going to take a break. Okay?	
19		19 Hold off. Before we take a break, this these	
20	3, 3	20 complaints that you said you gave to Mr. Turney	
21	3, 3	21 happened in 2016?	
22		22 A. I believe so.	
23	, ,	23 Q. Then I can cut down some of this. Let's	
24	of 2016; is that correct?	24 go off the record.	
	Page 58	Page	- 60
			, 00
	A. No. I complained to Will Turney also.	1 THE VIDEOTAPE TECHNICIAN: The	
2	Q. When did you first complain to	time is now 11:34. Going off the video	
3	,	3 record.	
4	A. In 2016.	4	
5		5 (Whereupon, a brief recess was	
6	A. I don't I can't recall the exact	6 held.)	
7	date.	7	
8	Q. How close in time was it to when you	8 THE VIDEOTAPE TECHNICIAN: Time	
9	went on Shell's help line?	9 is now 11:39. Back on the video record.	
10	A. It was more towards the beginning of the	10 BY MR. TUCKER:	
11	year. There wasn't just one instance where I	11 Q. Ms. Barnes, while we were off the video	
12	complained to him, I complained to him a few	record, I asked you to fold the pages from these	
13	times I complained to him a few about the	text messages that you sent to Mr. Turney where	
14	things that were happening.	you complained about other employees sexually	
15	Q. Were all of your complaints to	15 harassing you; is that correct?	
16	Mr. Turney verbal?	16 A. Yes.	
17	A. No.	17 Q. You went through all the texts and you	
18	Q. You gave him written complaints, too?	18 folded back several pages, correct?	
19		19 A. Yes.	
20	that I was having issues with.	20 Q. At the bottom of these pages you'll see	
21	Q. Were those complaints of sexual	a number your counsel put on it, whether it's	
22		Barnes 682 or Barnes 683. Do you so that?	
	۸ ۷۰۰	22 A V22	

Yes.

Your counsel produced during discovery

23 A.

24 Q.

23 A.

24 Q.

You folded back this page. Where on

	SSE BARNES v. ELL EXPLORATION AND PRODUCTION, et al.		JESSE BARNES August 2, 2019
	Page 61		Page 63
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	here are you talking about? Tell me the specific page number you're referring to. Okay? A. Actually not this side. Q. And that's Barnes 683, correct? A. Yes. Q. Could you identify for me where by pointing? A. (Indicating.) Here, down. Q. So this is a text communication between yourself and Mr. Turney from Friday, May 20th, correct? A. Correct. Q. And you're starting at the 11:41 a.m. text message? A. Yes. Q. And it says, What are you upset about that isn't done. That's what you sent him, correct? A. Correct.	2 3 4	Q. And is this sexually harassing are you making complaints of sexual harassment or just discrimination? What are you making a complaint about here? A. Both. Q. Who is harassing you or discriminating against you? A. Ken Forman. Q. Could you give me some context as to what is going on here that you find this harassing or discriminatory by Mr. Forman? This is because of your gender that Mr. Forman is doing this? A. Right. Q. Tell me why you believe so based on this text exchange?
22	He says, With what dear.	22	
23	Then you write back, I don't	23	upset, correct?
24	know. Ken said that you were upset I didn't have	24	A. Correct.
	Page 62		Page 64

some things via Z6s. 1 2

Then Mr. Turney writes you back,

What, no, I wasn't. I would come straight to you 3

and put you in a headlock if I was upset. You 4

know I don't beat around the bush girl. 5

Then he writes, you want me to 6

7 put Ken in a head lock.

Then you write back, I want him 8

to stop being a manipulative ass hole is what I 9

want. Just because he doesn't want to schedule 10

11 and yes, I want you to beat him up LOL.

He writes back LOL, consider it 12

13 done. I'm here for you. I'll talk with them.

You write back, I just want to 14

do my job. I wish I could make all these happen 15

overnight for you, but I can't. Thank you. 16

That is the first instance of 17

have you complaining to Mr. Turney about sexual 18

harassment? 19

20 MS. GURMANKIN: Objection to

form. 21

BY MR. TUCKER: 22

23 Q. Or discrimination?

24 A. Correct. 1 Q. And Mr. Turney further told you that he

2 would speak to Ken about this, correct?

з А. Correct.

4 Q. And you believe Ken was doing this

because of your gender? 5

6 A. Correct.

7 Q. Why do you believe that?

8 A. He belittled me a lot and saying that

Will was upset with me because it wasn't done. 9

Led me to believe that he -- he was saying because 10

I was a woman, I wasn't getting -- I wasn't 11

working enough, hard enough or getting these 12

things done quick enough. 13

14 Q. And you made that assumption, correct?

15 A.

16 Q. In this first text exchange, it's fair

to say that Mr. Turney took your side over Ken's, 17

correct? 18

19 A. No.

20 Q. Based upon this exchange where he says

he wasn't upset, it's your impression that he took 21

Ken's side? 22

23 A. Yes, because it didn't stop.

24 Q. At least in this text exchange, he

SHELL EXPLORATION AND PRODUCTION, et al.		August 2, 2		
	Page 65			Page 67
1	indicated that he was not upset with you and he	1	thr	ough my hair and I was upset about it that I
2	was siding with you, correct? Mr. Turney?	2		dn't want to work because our cubicles were
	A. He led me to believe that he was.	3		tht next to each other.
	Q. Okay. Where you have another fold		Q.	Could you, using your hands on your
5	here. And is this Barnes 687 you have folded?	5		ir, show me how Ken put his hands through your
		6		ir?
7	Q. Where in here were you referring to?	7	A.	Well, he came up from behind me and
8	A. Well, it actually starts on this side.	8	wc	ould go like this. (Indicating.)
9	Q. And this is from Thursday, May 25th,	9	Q.	Pulled your hair almost like in a
10	2016, correct?	10	lik	e he was going to make a ponytail out of it,
11	A. Yes.	11	pu	t it to the side?
12	Q. I'm not intimidating you by reaching at	12		MS. GURMANKIN: Objection to the
13	you?	13		form.
	A. Oh, no, no.	14		THE WITNESS: No.
15	Q. Are you comfortable with me reaching?	15	BY	/ MR. TUCKER:
	A. I'm comfortable.	16	Q.	Just what you did, that's what he did?
17	Q. This starts Thursday, May 26th, 2016 at		A.	Yeah.
18	10:50 a.m.?	18	Q.	What, if anything, did he say to you?
	A. Correct.	19		n time talking about Ken. When he touched your
20	, , ,	20		ir what, if anything, did he say to you?
21	are you, correct?		Α.	I don't know if he said anything because
	A. Yes.	22		mmediately told him not to touch me.
	Q. He responds back almost an hour later	23		And what did he say in response to that?
24	saying, What's up.	24	A.	He backed up and put his hands up?
	Page 66			Page 68
1	You write back, Never mind.	1	Q.	Anything else happen after that?
1 2	He writes back, humm, checking		Q. A.	Not at that time.
3	on me. You miss me I assume.	3	_	Was it around that time that you sent
4	You write back, I'm pissed and	4		s text that we're referring to, to Mr. Turney?
5	want to go home. Can I finish my day out at home?	5		hen you said you were upset? I'm pissed, I want
6	He writes back, why, what's	6		go home?
7	wrong? Call me in private.		Α.	Right.
8	You write back, I can't talk	8	_	And when you got home, and the last text
9	right now. Do you care if I go home. I'm fine, I	9		ee is around 1:01 p.m. And he says call,
10	just can't work here today.	10		estion mark. You called him then?
11	He writes back, I guess, but I	11	Α.	Right.
12	want an explain when you get home please. Thank	12	Q.	What did you say to him, if anything?
13	you.	13	A.	I explained to him what happened.
14	You write back. Okay.	14	Q.	What did he say?
15	He writes back, you home.	15	A.	That he would have a talk with him.
16	You write back, yeah, working in	16	Q.	What did you say?
17	the schedule break down.	17	A.	Okay.
18	He writes you back call,	18	Q.	What happened next?
19	question mark.	19	A.	I'm unaware if he talked to him. He
20	Did you speak to Mr. Turney that	20	dic	dn't follow up.
21	day?	21		After that time, did he ever touch your
22	A. Yes.	22	ha	ir again?
1		1	_	

23 Q.

24 A.

What did you tell Mr. Turney that day?

That day Ken Forman had put his hands

23 A.

24 Q.

Yes.

When was that?

JESSE BARNES v. SHELL EXPLORATION AND PRODUCTION, et al.	JESSE BARNES August 2, 2019
Page 69	Page 71
1 A. I'm sorry, no, not after this time. 2 Q. So after this time where you told 3 Mr. Turney and we can agree this happened May 4 26th, 2016, that you went home that day upset, you 5 and he spoke, he said he would speak to Ken? 6 A. It's possible he did it again, but I 7 just can't recall right now the exact timeline of 8 because there was many or not many, multiple 9 times that he put his hands on me. 10 Q. There were multiple times that Ken put 11 his hands on you? 12 A. Yes, through my hair. 13 Q. Did you when you had this 14 conversation with Mr. Turney, and we're referring 15 to this conversation of May 26th, 2016, had you 16 told him that there were multiple times that he 17 had put his hands through your hair?	 him about certain co-workers. It was only one co-worker you texted him about, correct? At least according to the text that we went through, correct? A. Yeah, those two texts. Q. Those were the two instances where you texted him about what you perceived to be sexual harassment or discrimination, correct? A. That was the only time? I'm sorry, I didn't understand the question. Q. That was the only two times where you texted Mr. Turney about what you perceived to be co-employees sexually harassing you or discriminating against you, correct? A. Texted, him yes. Q. Did you ever write him in any other format?
18 A. I told Turney that he did, that Ken put? 19 Q. Let me back up. That's my fault. We 20 can agree that this text that we've been going 21 over which is on Barnes 686 and Barnes 687 refers 22 to an instance where you allege that Ken put his 23 hands through your hair and you became so upset 24 went home, correct?	 18 A. I don't recall right now. 19 Q. Did you keep a personal journal at home? 20 A. No. 21 Q. Did you ever keep do you have a 22 journal? Have you ever journaled your thoughts, 23 things that are happening to you at work or 24 anything?
Page 70	Page 72
 A. Correct. Q. You spoke to Mr. Turney later that day, correct? A. Correct. Q. Did you tell Mr. Turney that Ken had put his hands in or through your hair on prior occasions at that time? A. Yes. Q. You can't think, as we sit here today, of another occasion after that where Ken put his hands through your hair; is that correct? A. Not after that, but before. Q. I apologize. THE VIDEOTAPE TECHNICIAN: Time 	1 A. Yes, I have. 2 Q. Do you still have that journal? 3 A. Yes. 4 Q. Have you provided it to your counsel? 5 A. Yes. 6 MR. TUCKER: Have you provided 7 it to us? 8 MS. GURMANKIN: I believe we 9 have. 10 BY MR. TUCKER: 11 Q. When did you start keeping that journal? 12 A. After I spoke to Hondo Blakely. 13 Q. In May of 2016? 14 A. Yes.
is now 11:49. This concludes disc one.	15 Q. Why did you start keeping a journal? Did

Page 73 Page 75 1 A. I tried to be. 1 Q. Are you in this litigation alleging that 2 Q. The position that you applied for, the 2 either or both of them discriminated or retaliated preventative maintenance planner position -- I'm against you in not giving you that position? 3 3 going to hand you a document that's marked as 4 A. Yes. 4 Barnes-3. I'd ask you to take an opportunity to 5 Q. On what basis do you make that? take a look at that, please, and notify me when 6 A. Michelle Priest was directly involved 6 you finish. with my complaints. 7 7 8 8 Q. Did you complain to her about -- did you (Whereupon, Barnes-3 was marked complain that she had discriminated or harassed 9 9 for identification and is attached you? 10 10 hereto.) 11 A. No. 11 12 Q. So it's only Michelle Priest that you 12 THE VIDEOTAPE TECHNICIAN: Do you are complaining retaliated against you for making 13 13 complaints of harassment and discrimination by want to go off the video? 14 14 MR. TUCKER: Let's go off the making sure you didn't get that job? 15 15 16 video. 16 A. A part of it, yes. THE VIDEOTAPE TECHNICIAN: The 17 Q. Who else retaliated against you by 17 time is now 11:58. Going off the video making sure you didn't get that job? 18 18 19 record. 19 A. I'm not sure of everybody that was 20 20 involved with the hiring process. Those were the (Whereupon, a brief recess was two I'm aware of. 21 21 22 held.) 22 Q. But of the two, you believe only Michelle Priest retaliated against you by making 23 23 24 THE VIDEOTAPE TECHNICIAN: The sure you didn't get the job? 24 Page 74 Page 76 time is now 11:59. Back on the video 1 A. Yes. The company, she's part of the 1 2 record. 2 company. BY MR. TUCKER: I know, but the company acts through 3 3 Q. Have you had an opportunity to look at individuals. What individuals other --4 Q. 4 the document we've marked as Barnes-3? 5 A. Michelle Priest. 5 Α. How do you know that Michelle Priest 6 Yes. 6 Q. Do you recognize this document? 7 Q. 7 retaliated against you? What do you make that --8 A. Yes. what's the basis for you making that statement 8 9 Q. What is it? that Ms. Priest retaliated against you by you not 9 10 A. My resume. 10 getting that job? Isn't it more your online application 11 Q. 11 A. Because I complained about sexual for the position? harassment and discrimination. 12 12 13 A. Right. 13 Q. So is it your testimony that merely 14 Q. Was I accurate? because you informed Ms. Priest about sexual 14 15 A. Yeah, it's the -- or the -- I upload my discrimination and harassment, she made sure you 15 didn't get that job? resume into a database. 16 16 17 A. Yes. 17 Q. And that was your attempt to become -when you applied for the position, correct? 18 Q. Tell me everything that Ms. Priest did 18 19 A. Correct. to prevent you from getting that job? 19 20 Q. Who are the decisions-makers for that 20 A. I didn't even get a call. I wasn't position? Who decided whether or not you would or informed of why I didn't get it. 21 21 would not get that position? 22 Q. Have you told me everything that 22 Michelle Priest and Brett Kirk, I Ms. Priest has done to prevent you from getting 23 A. 23

24

believe his name was.

24

that job?

SH	ELL EXPLORATION AND PRODUCTION, et al.	August 2, 2019		
	Page 77		Page 79	
1	A. I believe so.	1	MS. GURMANKIN: Objection to	
2	Q. Can I have that back?	2	•	
3	A. Sure.	3	THE WITNESS: Right. Because	
4	Q. Do you know the name of the person who	4	she's part of the human resources. I	
5	did get the job?	5	believe that's what they do.	
6	A. Yes.	6	BY MR. TUCKER:	
7	Q. What was his name again?	7	Q. In indicating why you left Shell, you	
8	A. Leon.	8	talked about a harassment, that you were	
9	Q. Leon?	9	continuing to have harassment in 2019, correct?	
10	A. I don't know his last name, just Leon.	10	A. I was working in a hostile work	
11	Q. Do you know anything about his	11	environment.	
12	qualifications?	12		
	A. I do not.	13	persons who was creating well, there were three	
14	Q. You don't know whether he was more	14	people who were creating that hostile work	
15	qualified than you?	15	environment in 2019, Will Turney, Hondo Blakely	
	A. I do not.	16	and Ken Forman, correct?	
17	Q. Do you know what role Ms. Priest		A. That I can think of right now.	
18	actually played in the selection of the person?	18	, ,	
	A. She was posted as the HR representative	19	at the time that you left where was he	
20	for that role.	20	physically stationed at the time you left Shell?	
21 22	Q. As the HR representative, it's your belief that she made the decision for you not to		A. I believe he went to Texas.Q. When did he go to Texas?	
23	get the job in retaliation for you making		A. I'm not sure of his hire date or	
24	complaints?		Q. Was it in 2019?	
24	complaints:	24	Q. Was it iii 2019:	
	Page 78		Page 80	
1		1		
	A. She was a part of that decision.		A. I believe so.	
2	A. She was a part of that decision.Q. What role, what part did she play in the	2	A. I believe so.Q. When in 2019? Was it before you left?	
2	A. She was a part of that decision.Q. What role, what part did she play in the decision process?	2	A. I believe so.Q. When in 2019? Was it before you left?A. I'm not sure when he was in when he	
2 3 4	A. She was a part of that decision. Q. What role, what part did she play in the decision process? MS. GURMANKIN: Objection to	2 3 4	A. I believe so.Q. When in 2019? Was it before you left?A. I'm not sure when he was in when he transferred to Texas.	
2 3 4 5	 A. She was a part of that decision. Q. What role, what part did she play in the decision process? MS. GURMANKIN: Objection to form. Go ahead. 	2 3 4 5	 A. I believe so. Q. When in 2019? Was it before you left? A. I'm not sure when he was in when he transferred to Texas. Q. At the time that you on the day that 	
2 3 4 5 6	A. She was a part of that decision. Q. What role, what part did she play in the decision process? MS. GURMANKIN: Objection to form. Go ahead. THE WITNESS: She was I'm	2 3 4	 A. I believe so. Q. When in 2019? Was it before you left? A. I'm not sure when he was in when he transferred to Texas. Q. At the time that you on the day that you left Shell Oil, was Mr. Turney still in the 	
2 3 4 5	 A. She was a part of that decision. Q. What role, what part did she play in the decision process? MS. GURMANKIN: Objection to form. Go ahead. 	2 3 4 5 6 7	 A. I believe so. Q. When in 2019? Was it before you left? A. I'm not sure when he was in when he transferred to Texas. Q. At the time that you on the day that 	
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. She was a part of that decision. Q. What role, what part did she play in the decision process? MS. GURMANKIN: Objection to form. Go ahead. THE WITNESS: She was I'm sorry. Can you repeat that question? MR. TUCKER: I'll have it read back. (Whereupon, the court reporter read back the appropriate portion of the transcript.) THE WITNESS: She's the HR. She would be the person to do all the HR paperwork, all the her input, approval of the hiring. BY MR. TUCKER: Q. How do you know that? Did someone tell you or is this just a belief you have? A. This is a belief I have.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 A. I believe so. Q. When in 2019? Was it before you left? A. I'm not sure when he was in when he transferred to Texas. Q. At the time that you on the day that you left Shell Oil, was Mr. Turney still in the same physical location where you were? A. No. Q. How long had he not been in the same physical location? A. I'm not sure how long. I don't Q. Was he go ahead. Where were you physically located at the time you left? Where was your location? A. Wellsboro, Pennsylvania. Q. In the Wellsboro facility it's a facility, correct? A. Correct. Q. Where was Mr. Blakely physically located in the facility in relation to you? Where was his work area in relation to yours? A. On the opposite side of the building. 	
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Page 81

- 1 A. Weekly, if not daily.
- 2 Q. What interactions did you have to have
- 3 with him?
- 4 A. We had to talk about work.
- 5 Q. Go ahead.
- 6 A. He's our superintendent.
- 7 Q. And it's your position that Mr. Blakely
- 8 and you communicated with each other almost daily?
- 9 A. Yes.
- 10 Q. Was he harassing you during these daily
- 11 meetings?
- 12 A. There were times.
- 13 Q. Identify for me 2019 those times where
- 14 Mr. Blakely harassed you because of your gender?
- 15 A. He left me a note on my desk asking why
- we -- I don't know the exact words because I don't
- 17 have it in front of me, but he said why don't we
- 18 talk any more. There were other times that he
- would ask me, oh, do you even work here because I
- 20 spent a lot of times in the field. Tried to.
- 21 Q. You've indicated two instances where he
- 22 left you a note, says why don't we talk anymore
- and he said, oh, do you even work ear hear any
- 24 more?

- 1 Tioga, Pennsylvania, where I did live. And about
- 2 him wanting me on the -- we had a softball league
- 3 through Shell.

6

- 4 Q. Were those two different texts, that he
- 5 text you he was in your area?
 - MS. GURMANKIN: Is that yes?
- 7 THE WITNESS: Yes, sorry.
- 8 BY MR. TUCKER:
- 9 Q. And then the other text was he wanted
- 10 you to be on the softball team?
- 11 A. Correct.
- 12 Q. And him texting that he was in your
- area, you believe was harassing you because of
- 14 your gender or it was retaliating because you made
- 15 complaints?
- 16 A. He was harassing me.
- 17 Q. Him asking you to play on the softball
- 18 team, was that him harassing you because of your
- 19 gender or retaliating against you?
- 20 A. He was --I'm sorry. I didn't mean to
- 21 cut you off.
- 22 Q. Was that him harassing you and/or
- 23 retaliating against you for making complaints of
- 24 discrimination?

Page 82

- 1 A. Right.
- 2 Q. Was that a note or was that a statement
- 3 he made to you?
- 4 A. A statement.
- 5 Q. Anything else that you recall in 2019
- 6 Mr. Blakely said to you that you found
- 7 discriminatory?
- 8 A. He said that he was aware that I was
- 9 getting paid less.
- 10 Q. Less than?
- 11 A. Than I should be, or somebody in that
- 12 role would be paid.
- 13 Q. Anything else?
- 14 A. Not that I can think of right now.
- 15 Q. Have you identified for me all of the
- statements made by Mr. Blakely in 2019 that you
- 17 feel that were harassing or discriminatory?
- 18 A. I'm sorry. Can you repeat the question?
- 19 Q. Have you identified for me all of the
- 20 statements made by Mr. Blakely, and by statements
- 21 I mean writings also, made by him to you in 2019
- that you believe were discriminatory or harassing?
- 23 A. He also texted me about being in my
- 24 area. When I say area it's, like, where I live,

- 1 A. He was harassing me because of my sex.
- 2 Q. When he asked you to play on the
- 3 softball team?
- 4 A. Correct.
- 5 Q. Go ahead.
- 6 A. He also texted me about checking myself
- 7 for ticks because I worked in Bradford,
- 8 Pennsylvania also, and it was in the middle of the
- 9 woods.
- 10 Q. And you believe that was harassment,
- 11 too?
- 12 A. Yes.
- 13 Q. Because of your sex?
- 14 A. Correct.
- 15 Q. Do you believe it was in retaliation for
- 16 you making complaints of harassment or
- 17 discrimination?
- 18 A. I believe it was sexual harassment.
- 19 Q. You indicated these statements, why
- 20 don't we talk any more, do you even work here any
- 21 more, were those also in retaliation, those
- 22 statements by him, retaliation for you making
- 23 complaints of discrimination?
- 24 A. I believe so.

Page 85

- 1 Q. Have you told me everything that
- 2 Mr. Blakely did to you in 2019 that you found to
- 3 be harassing because of your gender as well as
- 4 retaliatory because you made complaints of
- 5 discrimination?
- 6 A. That I can think of right now.
- 7 Q. Well, like I indicated earlier, today is
- 8 my only chance to get an opportunity to ask you
- 9 these questions. You realize that, correct?
- 10 A. Yes.
- 11 Q. You knew you were coming here to tell me
- everything about this event, which has been
- 13 traumatic to you, correct?
- 14 A. Correct.
- 15 Q. It's been so traumatic that you reported
- 16 to have gone and seen a therapist on three
- 17 occasions, correct?
- 18 A. Correct.
- 19 Q. You want to be able to fully tell what
- 20 happened to you both to myself and later onto an
- 21 jury, correct?
- 22 A. Correct.
- 23 Q. So when we get to trial, are you going
- 24 to be able to remember additional things?

- 1 leave Shell, correct?
- 2 A. Yes.
- 3 Q. We talked about the promotion issue,
- 4 correct?
- A. Correct
- 6 Q. Now, we're talking about the individual
- 7 conduct of these three people. Okay?
- 8 A. Yes
- 9 Q. We have talked about all the things that
- 10 Mr. Blakely did to you in 2019, correct?
- 11 A. Correct.
- 12 Q. Now we're talking about all the things
- that Mr. Forman did to you in 2019. So why don't
- 14 you begin by telling me all the acts that you
- 15 believe that Mr. Forman did in retaliation for you
- 16 making complaints of discrimination and
- 17 harassment?
- 18 A. Just being around, having to work with
- 19 him. He was in some sort of direct control of my
- 20 schedule on a daily basis.
- 21 Q. So just the mere fact of him being
- 22 around you felt was retaliatory?
- 23 A. Yes.
- 24 Q. What did he say or do to you?

Page 86

- 1 MS. GURMANKIN: Objection to
- 2 form.
- 3 BY MR. TUCKER:
- 4 Q. Do you think you'll be able to remember
- 5 later on additional things?
- 6 MS. GURMANKIN: Same objection.
- 7 THE WITNESS: I can't really
- 8 answer that question.
- 9 BY MR. TUCKER:
- 10 Q. Is your memory pretty clear now of the
- 11 events that happened to you?
- 12 A. Yes.
- 13 Q. In 2019, we have gone over everything
- that Hondo Blakely did to you. Let's talk about
- 15 Ken Forman. Identify for me all of the acts done
- by r. Forman that you believe were in retaliation
- 17 for you making complaints of harassment and
- 18 discrimination?
- 19 A. In 2019 only?
- 20 Q. Yes. The reason I'm doing 2019, I'm
- 21 trying to give you pockets so we can keep this
- 22 organized. I am going to go ask you other time
- 23 periods, too. But right now you indicated to me
- 24 certain things happened in 2019 that caused you to

- 1 A. He would ask me questions about work. I
- 2 had to work with him on my schedule being around
- з him.
- 4 Q. What about this did you find retaliatory
- 5 or discriminatory? Were you and he required to
- 6 work with each other?
- 7 A. I had to work with him, yes.
- 8 Q. Is it your position that you should not
- 9 have been made to work with him?
- 10 A. Correct.
- 11 Q. So the whole fact that you had -- the
- mere fact you had to work with Mr. Forman, you
- 13 believe was discriminatory and retaliatory,
- 14 correct?
- 15 A. Retaliatory, yes.
- 16 Q. Did he say anything to you during that
- time period in 2019 of a gender-based nature? Did
- 18 he say things like you're hot blond? Did he touch
- 19 your hair? Did he kiss you or anything like that?
- 20 A. No.
- 21 Q. Did he comment on your physical
- 22 appearance?
- 23 A. Yes, because I was dressing differently
- 24 because I had to be in the field.

Page 89

- 1 Q. What did he say, if anything, to you?
- 2 A. He would always make comments -- not
- 3 always, but often make comments about, in the
- 4 winter when we had to -- we didn't have to wear,
- 5 went I wore beanies to keep warm on my head.
- 6 Q. What would he say?
- 7 A. I don't remember the exact statement,
- 8 but he would say something about I looked like
- 9 something with a fisherman, the way I looked.
- 10 Q. The Gordon's fisherman?
- 11 A. Maybe. I don't know. It was something
- 12 looked like I just got back from the docks because
- 13 I look like a fisherman.
- 14 Q. You found that to be sexually
- 15 harassing?
- 16 A. Yes.
- 17 Q. Anything else?
- 18 A. No
- 19 Q. We have gone through Mr. Forman, we have
- 20 gone through Mr. Blakely in 2019. Now, let's turn
- 21 to Mr. Turney. A little pun there. Let's turn to
- 22 Turney. In 2019, identify all the acts and
- 23 actions by Mr. Turney that you found retaliatory,
- 24 discriminatory and/or harassing?

- conference room is set up, similar to this one,
- 2 they usually left the doors open so that people --
- 3 I could just stand by the doorway.
- 4 Q. It was so crowded that people were
- 5 standing in the doorway?
- 6 A. No, I could have fit, but I didn't want
- 7 to go in.
- 8 Q. Were there other people outside the
- 9 doorway with you?
- 10 A. I believe so.
- 11 Q. This was in 2019?
- 12 A. Yes.
- 13 Q. What was the nature of the, meeting?
- 14 A. It was a safety meeting.
- 15 Q. Do you recall headed the meeting?
- 16 A. I don't.
- 17 Q. So is it your position in this
- 18 litigation that because you had to meetings with
- 19 Mr. Turney, Mr. Forman and Mr. Blakely, that that
- 20 was in retaliation and harassment -- that was
- 21 harassment by Shell?
- 22 A. Yes.
- 23 Q. Is it your position in this litigation
- 24 that they should have removed you or removed them

Page 90

- 1 A. The fact that I had to work with him and
- 2 be around him. The fact that I couldn't go to
- 3 meetings because of him and also Hondo and Ken's
- 4 presence in those meetings.
- 5 Q. Let me stop you. I apologize. I'm
- 6 breaking my rule. I sincerely apologize. We're
- 7 going to get back to Mr. Turney. You're saying
- 8 the fact that you couldn't go to meetings where
- 9 Mr. Turney, Blakely and Forman were there?
- 10 A. Right.
- 11 Q. Who instructed you not to go to
- 12 meetings?
- 13 A. I was told I didn't have to going to the
- meetings if I didn't feel comfortable going to the
- 15 meetings. Because I complained about having --
- wanting to be in these meetings, most of these
- 17 meetings were mandatory for everybody else.
- 18 Q. What were the nature of the meetings?
- 19 Did you ever go to any of the meetings?
- 20 A. I may have gone to one because it was
- 21 mandatory that I sign a training form.
- 22 Q. Did anything happen to you during that
- 23 meeting?
- 24 A. I stood outside the door. The way our

- 1 from working together?
- 2 A. I don't think they should have removed
- 3 me. I think they should have removed them.
- 4 Q. Do you know if anyone was disciplined
- 5 because of your allegations of discrimination and
- 6 gender harassment?
- 7 A. I did not know.
- 8 Q. After -- did Mr. Turney ever say
- 9 anything to you in 2019 of a harassing nature, of
- 10 a sexually harassing nature?
- 11 A. Not in 2019.
- 12 Q. Did Mr. Turney ever touch you in 2019?
- 13 A. No
- 14 Q. Did he text you in 2019?
- 15 A. No
- 16 Q. Tell me everything that -- you talked
- 17 about the fact that you would have had to go to
- 18 meetings with Mr. Turney, but you were instructed
- 19 if you did not feel comfortable going to a meeting
- 20 you should not go, correct?
- 21 A. Correct.
- 22 Q. You took that advice, correct?
- 23 A. Correct. But I wanted to go to the
- 24 meetings.

SHELL EXPLORATION AND PRODUCTION, et al.	August 2, 2019
Page 93	Page 95
1 Q. You attended one meeting, correct?2 A. That I can recall, yes.	 that he would often be at, and I had to be there for my job and he would he asked me about the
 3 Q. No one said anything or did anything to 4 you during those meetings in 2019, correct? 5 A. No, they didn't do anything to me. 6 Q. When did you first stop attending these 	 3 chemical room that I worked in, and if I wanted it 4 to be cleaned, I needed to leave the door open. 5 Q. You found that statement to be sexually 6 harassing?
safety meetings? I mean, you made the complaint in 2016, correct? A. Yes. Q. We're all the way at 2019. I've been limiting your testimony to 2019. Let's talk about the entire time period from when you first made the allegations of harassment and discrimination to the time that you left, did you ever attend any of these meetings? A. Not after I complained. Ro. So after November of 2016, you never sattended any of these meetings except for at least one safety meeting you can recall in 2019, correct? A. Correct. You attended these meetings though prior	7 A. No. That was just an interaction that I 8 had to have with him. 9 Q. And you feel that you should not have 10 had you should not have had to have any 11 professional interactions with him; is that your 12 position in this litigation? 13 A. Yes. 14 Q. The mere fact that you have professional 15 interactions with him, that to you constituted the 16 harassment and retaliation? 17 A. Yes. 18 MR. TUCKER: Do you want to take 19 a lunch break until 1:00? It's 12:21. 20 MS. GURMANKIN: Sure. 21 THE VIDEOTAPE TECHNICIAN: The 22 time is now 12:24. We're going off the
to making the allegations of discrimination and harassment, correct?	23 video record. 24
Page 94	Page 96
 A. I attended some of them, not all of them. Q. Did you ever have to make a presentation at any of these meetings? A. I didn't present, but I helped make 	1 (Whereupon, a luncheon recess 2 was held.) 3 4 THE VIDEOTAPE TECHNICIAN: The 5 time is now 1:07. Back on the video
 6 presentations at times. 7 Q. How many when you say help make, what 8 do you mean helped make? 9 A. I worked with Wayne, our safety 	6 record. 7 BY MR. TUCKER: 8 Q. Ms. Barnes, before you left Shell in 9 2019, did anyone threaten you with discharge?
10 coordinator I think his title is, he would ask me 11 for his help on the presentations and I would help 12 him create the presentations for the safety 13 meetings. 14 Q. This was all before November 2016?	 10 A. I was told my job was in jeopardy by 11 Steve Ellis. 12 Q. When you say you were told your job was 13 in jeopardy, what do you mean? 14 A. He said I would be the first one to go
15 A. Yes. 16 Q. Have you told me everything that Will 17 Turney did to you in 2019 of a harassing or 18 retaliatory nature?	15 out of his team. 16 Q. For what reason? They were having 17 layoffs? 18 A. Yes.
Because the only thing you've told me is that he you had to attend meetings with him that you wanted to go that you didn't go to. Is there anything else?	19 Q. Do believe he was telling you that in 20 retaliation for you making claims of harassment 21 discrimination? 22 A. Yes.
23 A. Just him working there and being at the	23 Q. What do you base that upon?

24 office. We had a separate office in our warehouse

24 A.

Because it was after I complained.

SH	SHELL EXPLORATION AND PRODUCTION, et al.			August 2, 201		
	Page 97			Page 99		
1	Q. Anything else other than that?	1	Q.	Where?		
	A. Not that I can think of right now.		α .	On my face.		
3	Q. When you in the months leading to		Q.	Did you seek any medical treatment?		
4	2019, did you were you transferred to a less		Q. А.	They did an examination there.		
5	desirable position? In the whole 2019, did anyone		Q.	How long after this incident did you go		
6	transfer you to a less desirable position?	6		did you say on family leave?		
	A. Yes. They removed me from my role as an		A.	FMLA?		
8	analyst and put me into a demotion.		Q.	Yeah. How long after this incident,		
9	Q. What was the demotion? When did they	9		drinking and falling incident, did you go out		
10	remove you as an analyst?	10		FMLA?		
	A. January 2017.	11		Shortly after.		
	Q. So my question was, in 2019, did anyone	12		Did you ever return to work after this		
	transfer you in 2019? In January 2019 until			king and falling incident?		
13	·	13 14		Yes.		
14	what was date you left? May 2019?	15		When did you return to work?		
	A. I believe it was April.			That was on Monday.		
	Q. From January to April 2019, did anyone	16 17		•		
17	transfer you to a less desirable position? A. Yes. When I came back from my FMLA, I			Then how long after that you did go out		
	•	18		amily leave?		
19	was not returned to the same position. Q. What position were you returned to?	19		I believe I went out on FMLA in February larch oh, no, I'm sorry. I'm not sure of		
		20		date I went out on FMLA.		
		21	_			
	Q. Was your pay reduced?	22	ري. FML	What was the reason you went out on		
	A. No.Q. Did you have an incident where you got	23 24				
24	Q. Did you have an incident where you got	24	Λ.	Because the anxiety that I was		
	Page 98			Page 100		
1	drunk at a Christmas party in 2018?	1	exn	eriencing was so severe.		
	A. I had drinks at a Christmas party for		Q.	Did you seek any treatment from any		
3	Shell.	3		tor because of this anxiety?		
	Q. And you got so drunk that you began		A.	Yes.		
5	throwing up on your way home?		Q.	What doctor did you seek treatment with?		
6	A. I threw up that night.		Q. A.	Courtney Babcock.		
			Q.	It's things that we talked about that		
7	•					
8	up, did you hit your face on the concrete?	8		pened to you in 2019, are those the events that		
9	A. I fell. Q. How did you fall?	9	Cau	sed you anxiety?		
10	•	10	with	When I say that we talked about,		
	A. Opening up the door.	11		Will Turney, Hondo Blakely and Ken Forman did		
	Q. Were you that intoxicated that you fell?	12	-	ou in 2019, as far as harassment and hostile		
	A. I'm assuming alcohol had something to do	13		k environment?		
14	with me falling.	14		It was a part of why I left.		
	Q. Did you go to the hospital that night?		Q.	What else caused you to go out?		
	A. Not that night.	16		All the complaints, the retaliation, the		
	Q. Did you go at all?	17		ual harassment as a whole.		
	A. Yes.	18		From prior, from before 2019?		
	Q. What hospital did you go to?	19		Right.		
	A. Corning Hospital.		Q.	All that accumulated and caused you to		
	Q. In Corning, New York?	21	go c			
	A. Yes.	22		Right.		
	Q. What injuries did you suffer?	23		If I understand correctly, you told me		

bruising.

24 A.

24 earlier that when you saw Mr. Blakely in May 2016

Page 101 and made complaints to him about harassment, he 1 Q. If you begin looking at this on page 1 2 told you to keep a journal? 2008 -- you're on page 208? 2 з А. Yes. з А. Yes. MR. TUCKER: Can we take a 4 Q. This actually refers to a 2014 event, 4 break? correct? 5 5 THE VIDEOTAPE TECHNICIAN: The 6 A. 6 Yes. time is now 1:13. Going off the video 7 Q. You didn't write this in 2014, did you? 7 8 record. 8 A. 9 Q. Were these events written -- the 2016 9 (Whereupon, a brief recess was event, was that written close in time to when it 10 10 held.) actually happened? 11 11 12 A. Yes, yeah. 12 THE VIDEOTAPE TECHNICIAN: The 13 Q. Which things did you start -- are all of 13 time is now 1:18. Back on the video these things which you wrote down after you spoke 14 14 record. to Mr. Blakely? 15 15 16 A. BY MR. TUCKER: Yes. 16 17 Q. I'm going to hand you a document which 17 Q. Were they written down at one time or we will mark as Barnes-4. would you go from time to time and write them? 18 18 19 19 A. Time to time. 20 (Whereupon, Barnes-4 was marked 20 Q. Because it looks like they it were all for identification and is attached written with the same pen. Is that true? 21 21 I don't know if that's true. 22 hereto.) 22 A. 23 Q. It starts with 2000 -- let's start with 23 24 BY MR. TUCKER: 24 2016 and 2014. Did you write the 2014 event down

Page 102

- 1 Q. Take a look. It's produced by your
- 2 counsel and it has Bates stamp number of 207 to
- 212. Do you see that? 3
- Yes. 4 A.
- 5 Q. What is this document? What is it?
- This is a notebook that I would put all 6 A.
- 7 of things that were happening to me.
- 8 Q. This is the notebook that you started
- keeping after you spoke to Mr. Blakely? 9
- 10 A. Yes.
- Looking at page 212 -- I mean 207, do 11 Q.
- you see that? Do you see 207, the very first? 12
- 13 A. Yeah.
- 14 Q. There was a post-it on there. Do you
- see that? 15
- 16 A. Yes.
- 17 Q. Whose post-it is it?
- 18 A. Hondo Blakely's.
- 19 Q. Is that the post-it that you talked
- 20 about he put there in 2019?
- 21 A. He put it on my computer screen.
- 22 Q. Previously you said, he said why don't
- 23 we talk any more. Is this actually what he said?
- 24 A. Correct.

- at the same time you started the 2016 events? 1
- 2 A. Yes.
- 3 Q. And then it continues on without any
- months or anything like that, you'd agree with me? 4
- 5 A. Can you ask me that again?
- There are no time frames written 6 Q.
- 7 indicating when in 2016 these events happened, you
- agree with me, correct? 8
- 9 Α. Right.
- 10 Q. How am I to know looking at this or how
- would one know looking at this when this happened 11
- in 2016? 12
- 13 A. This, you wouldn't know that.
- 14 Q. This is the most contemporaneous
- document you have with what happened in 2016? 15
- What I mean by that is, later on you filed an EEOC 16
- complaint and later on in 2016 you spoke to 17
- Ms. Kloosterman at Shell, correct? 18
- 19 A. Correct.
- 20 Q. Was all of this written down before you
- made your first complaint to Shell's help line? 21
- I had a Word document that I was logging 22 A.
- incidents in which I provided to the hotline. I 23
- started writing in my day-to-day notebook that I 24

	SSE BARNES v. ELL EXPLORATION AND PRODUCTION, et al.		JESSE BARNE August 2, 201
	Page 105		Page 107
1	took meetings and ripped out because I didn't want	1	record.
2	that in my day-to-day notebook. And I was trying	2	
3	to consolidate it, then I thought it wasn't the	3	(Whereupon, a discussion was
4	best way to.	4	held off the record.)
5	Q. When you say your day-to-day notebook,	5	
6	what are you referring to? This document that I'm	6	THE VIDEOTAPE TECHNICIAN: The
7	flipping through here?	7	time is now 1:26. Back on the video
8	A. No. It was just a notebook that I took	8	record.
9	to meetings to write any notes down.	9	BY MR. TUCKER:
10	Q. I'm going to hand you a document that is	10	Q. While we were off the record for a
11	Bates stamped Barnes 6 through Barnes it goes	11	second, we sort of had an informal conversation
12	to like a hundred something. Is this what you	12	where you said you think it was one sheet of paper
13	mean by your day-to-day notebook?	13	from your day-to-day journal you gave counsel?
14	A. Yes.	14	A. Right.
15	Q. In your day-to-day notebook, you also	15	
16	kept times where you felt you were being harassed	16	A. It was times where I experienced sexual
17	or discriminated against?	17	harassment and discrimination at the company.
18	A. Yes.	18	Q. Was it an accumulation of a lot of
19	Q. But you threw them away?	19	events or was it one discrete separate event that
20	A. No, I ripped them out.	20	happened on a particular day that you were keeping
21	Q. What did you do with them?	21	in your day-to-day journal?
22	A. I still have some of them.	22	A. It was similarly formatted to this one.
23	Q. Have you given them to counsel?	23	Q. When you is say this one, you're
24	A. Yes, but late.	24	referring to Barnes-4 and the pages contained in
	Page 106		Page 108
1	Q. Let me have that back. So there are	1	Barnes-4?
2	some notes from your day-to-day notebook which	2	A. Correct.
3	show contemporaneous, that is close in time, when	3	Q. Did you ever provide that document to
4	an event happened and you took a note about it?	4	anyone at Shell, Barnes-4?
5	A. Right.	5	A. No.
6	Q. How recently did you provide that to	6	Q. When you were meeting with
7	counsel?	7	Ms. Kloosterman, did you provide her that
8	A. This month or, I'm sorry, last month,	8	document?
9	July.	9	A. No, I told her about it.
10	MR. TUCKER: Do we have those?	10	Q. Did you have it with you when you were
11	MS. GURMANKIN: We produced	11	talking to her?
12	everything two weeks ago that I got.	12	A. No, I provided her a Word document.
13	That's all we have.	13	Q. I'm going to hand you a document. I'm
14	MS. KIRKPATRICK: What you	14	going to step back for a second that we'll mark
15	produced two weeks ago are missing Bate	15	as Exhibit-5.
16	numbers from months ago, correct?	16	
17	MS. GURMANKIN: No. That was	17	(Whereupon, Barnes-5 was marked
18	the attorney I produced documents	18	for identification and is attached
19	about two weeks ago. That's everything	19	hereto.)

we have.

a moment.

MR. TUCKER: Off the record for

time is now 1:26. Going off the video

THE VIDEOTAPE TECHNICIAN: The

19

20

21

22

23

24

20

21

23

24

22 Q.

correct? It's not a trick question.

What is Exhibit-5? It's your resume,

MS. GURMANKIN: Let her look at

BY MR. TUCKER:

JESSE BARNES v. SHELL EXPLORATION AND PRODUCTION, et al.	JESSE BARNES August 2, 2019
Page 109	Page 111
the pages. THE WITNESS: Yes, it's my resume. BY MR. TUCKER: Q. This was up-to-date as of the time you left Shell, correct? A. I believe so. Q. If goes through education. It says, Corning Community College, Corning, New York. When were you enrolled in Corning Community College? A. 2017. Q. While you were working at Shell? A. Correct. Q. What classes did you take? A. I had a business administration major reso. Q. Were you getting tuition reimbursement resonance from Shell? A. Yes. Q. How many classes did you take in total? A. I'd say I took two semesters. Q. Were your grades you took two Semesters of classes or you took two classes?	1 Q. Can you go through and identify each 2 year that you received training that you recall of 3 the five things you listed here? 4 A. Usually we had an annual Maintenance 5 Integrity Execution Sustainability workshop. 6 Q. In Houston, Texas? 7 A. They would usually pick a different 8 location every time. 9 Q. Did you actually travel to Houston, 10 Texas? 11 A. Yes. 12 Q. You went there in 2017? 13 A. No, I went there in 2012. 14 Q. Did you ever go again after 2012? 15 A. To Houston, Texas? 16 Q. Did you ever attend a Maintenance 17 Integrity Execution Sustainablity workshop after 18 2012? 19 A. Not that exact title of the meeting. 20 Q. You attended something similar to that, 21 the maintenance, integrity, execution stability 22 workshop after 2012? 23 A. Right. 24 Q. But it was just not same title, true?
Page 110	Page 112
 A. Two semesters of classes. I can't remember the exact number of classes I took. Q. You were taking these classes while you were being subjected to sexual harassment and discrimination at Shell? A. I took these classes while I was being subjected to retaliation. Q. Was the retaliation impacting your ability to complete your classes? A. No. If anything, it kept my mind off it. Q. You indicate here, Pennsylvania College of Technology in Williamsport, PA. When were you taking classes there? A. 2009. 	 Correct? A. It was just not that same title? Q. That's what you said? A. Right, yeah. Q. Was it actually the Maintenance Reliability Turnaround Workshop? Here's what I'm trying let me see if I can clear this up. I want to know if every year you had this type of training. When I say this type, I mean the Maintenance Integrity Execution Sustainability, did you have that each of the years you were a Shell employee? A. Not the same meeting. Q. The Maintenance Reliability Turnaround Workshop, when did you have that training?
16 Q. Have you received any degrees outside of17 your high school diploma?	16 A. It would have to be at the end of 2014,17 maybe early 2015.

No.

23 you were at Shell?

Yes.

Correct.

Under training it indicates five

Was all that training given to you while

different training areas, correct?

18 A.

19 Q.

21 A.

22 Q.

24 A.

20

18 Q.

20 A.

21 Q.

23 A.

24 Q.

22

did you have that training?

2015.

October 2014, I believe.

when did you have that training?

The maintenance Analyst Shadowing, when

The Eight Step Problem Solving Process,

The Maintenance Analyst Workshop, when

Page 116

Р	Page 113
did you have that training?	1 A. I didn't go back in 2018 I don't
A. I think I'm not sure on that one.	2 believe.

- 1
- 2
- 3 Q. Were you given any training at all in
- 2016?
- 5 A. I believe I did.
- Were you given any training in 2017? 6 Q.
- 7 A. In the maintenance analyst position?
- 8 Q. So you were given -- I'm asking any
- training. Were you given any training in 2017? 9
- Α. 10 Yes.
- 11 Q. What training were you given in 2017?
- 12 A. It's not listed.
- 13 Q. I understand it's not listed. I'm just
- asking, what type of training were you given in 14
- 2017? 15
- 16 A. I wasn't -- I was given the trainings
- below that and my certifications. 17
- I'm not referencing the paper, I'm just 18 Q.
- asking you to tell me what training were you given 19

This certification -- so in 2017, after

discrimination, not withstanding that, Shell still

The CPR slash AED certified, when did

in 2017? 20

1 Q.

2

4

7

8 Α. 9 Q.

10 A.

11 Q.

12 A.

13 Q.

14 A.

15 Q.

16 A.

17 Q.

19 A.

20 Q.

22 A.

23 Q.

18

21

5 A.

6 Q.

- 21 A. I was given RCRA training, the DOT
- training and the hazwoper training. 22

provided you with training?

you become certified in that?

Who paid for that?

23 Q. Were you given any training in 2018?

you made the complaints of harassment

We have to do it every year.

And they paid for it in 2017?

Did they pay for it in 2019?

I don't think I was there then.

RCRA certification, when did you first

That was after you made the complaints

Did you have to maintain certification

24 A. Not that I recall.

Yes.

Shell.

Yes.

Yes.

of discrimination?

Right.

2018?

become RCRA certified?

I believe it was 2017.

- 3 Q. You didn't work at all in 2018?
- 4 A. I don't know how that certification
- works, you're either certified or you have to 5
- 6 renew it.
- 7 Q. Do you know if you renewed it in 2018?
- 8 A. I don't know.
- Q. **DOT Hazardous Material Transportation** 9
- Certification, when did you become certified in 10
- that? 11
- 12 A. I don't know the dates on these
- certifications. 13
- 14 Q. Was it after you made your complaints of
- discrimination? 15
- 16 A. Yes.
- 17 Q. Did you main that certification in
- hazmat through the time that you left Shell? 18
- 19 A. I know I initially got the certificate
- after I complained, but I don't know if I had to 20
- go back to renew it. 21
- The 40 HR hazwoper, what's that? 22 Q.
- 23 A. That's the hazmat.
- 24 Q. It's the same thing as the one above it?

Page 114

- 1 A. The one above it is how to transport
- 2 hazardous material.
- What's the one before 40 HR hazwoper 3 Q.
- 4 hazmat?
- 5 A. Yes, how to protect yourself.
- 6 Q. And you became certified in that?
- 7 A.
- 8 Q. When did you become certified in that?
- 9 A. I believe in 2018.
- 10 Q. These certifications that you got, did
- someone have to approve you to go to training for 11
- those certifications? 12
- 13 A. Yes.
- 14 Q. Who was the person that approved it?
- 15 A. Steve Ellis.
- 16 Q. Each one?
- 17 A. Well, the CPR/AED is required. So
- everybody gets that. 18
- 19 Q. As the plant manager was it the ultimate
- 20 responsibility for Mr. Blakely to make the
- approval? 21
- For CPR AED? 22 A.
- 23 Q. For the RCRA certification?
- 24 A. No, that was Steve Ellis.

Min-U-Script®

in 2018?

SHELL EXPLORATION AND PRODUCTION, et al.	August 2, 2019
Page 117	Page 119
1 Q. What about for the DOT hazmat	A. My sisters. I told Jeremy Green.
2 transportation?	2 Q. Who else?
3 A. If was recommended by a contractor	3 A. Penny Robbins.
4 contracting company that I was working with that I	4 Q. Who else?
5 needed to get these certifications.	5 A. Tina King.
6 Q. Who did you speak to at Shell to get	6 Q. Who else?
7 to to notify them of this?	7 A. That's all I can remember.
8 A. Steve Ellis.	8 Q. So you identified five people. Your two
9 Q. Did Mr. Ellis speak to anyone to get the	9 sisters, Jeremy Green, Penny Robbins and Tina
10 approval?	10 King?
11 MS. GURMANKIN: Objection to	11 A. Right.
12 form.	12 Q. You informed them prior to sending the
13 THE WITNESS: Not that I know	13 email to the help line that you were going to
14 of.	14 report it to HR, correct?
15 BY MR. TUCKER:	15 A. Right.
16 Q. Do you know whose budget it is?	16 Q. How did you know to report it on the
17 A. I do not.	17 help line?
18 Q. At some point you notified Shell that	18 A. It was just kind of known that that's
19 you felt you were being discriminated against. Do	19 where you go if there's a problem that you want to
20 you recall that in 2016?	20 escalate.
21 A. Yes.	21 Q. It was well-known and well-publicized
22 Q. Take me through the actual process of	22 that if you had a complaint of harassment or
23 what you did to notify Shell. I'm not talking	23 discrimination you could do it through the
24 about Mr. Blakely, but to notify Shell that you	24 help line?
21 about init Blandiy, but to from that you	21 116.6 1116.
Page 118	Page 120
felt you were being discriminated or harassed,	MS. GURMANKIN: Objection to
felt you were being discriminated or harassed,what did you do?	1 MS. GURMANKIN: Objection to 2 form.
 felt you were being discriminated or harassed, what did you do? A. I submitted an online online 	 MS. GURMANKIN: Objection to form. THE WITNESS: It was known. I
 felt you were being discriminated or harassed, what did you do? A. I submitted an online online notification. 	 MS. GURMANKIN: Objection to form. THE WITNESS: It was known. I don't know if everybody knows that. I
 felt you were being discriminated or harassed, what did you do? A. I submitted an online online notification. Q. How long after submitting that online 	 MS. GURMANKIN: Objection to form. THE WITNESS: It was known. I don't know if everybody knows that. I knew that.
 felt you were being discriminated or harassed, what did you do? A. I submitted an online online notification. Q. How long after submitting that online notification were you contacted by someone at 	 MS. GURMANKIN: Objection to form. THE WITNESS: It was known. I don't know if everybody knows that. I knew that. BY MR. TUCKER:
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 felt you were being discriminated or harassed, what did you do? A. I submitted an online online notification. Q. How long after submitting that online notification were you contacted by someone at Shell? A. Well, it sends out an automatic email saying that it was accepted or entered and they got it. I believe it was within two weeks that I received contact from them. 	1 MS. GURMANKIN: Objection to 2 form. 3 THE WITNESS: It was known. I 4 don't know if everybody knows that. I 5 knew that. 6 BY MR. TUCKER: 7 Q. You knew that if you had a complaint, 8 the official way to make a complaint was to get on 9 the help line, correct? 10 A. No, I don't know that. 11 Q. I thought you just said a second ago you
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 felt you were being discriminated or harassed, what did you do? A. I submitted an online online notification. Q. How long after submitting that online notification were you contacted by someone at Shell? A. Well, it sends out an automatic email saying that it was accepted or entered and they got it. I believe it was within two weeks that I received contact from them. Q. Do you recall who the person was? A. Megan Kloosterman. Q. According to the records, it appears as though you notified Shell around November 15th, 	1 MS. GURMANKIN: Objection to 2 form. 3 THE WITNESS: It was known. I 4 don't know if everybody knows that. I 5 knew that. 6 BY MR. TUCKER: 7 Q. You knew that if you had a complaint, 8 the official way to make a complaint was to get on 9 the help line, correct? 10 A. No, I don't know that. 11 Q. I thought you just said a second ago you 12 knew? 13 A. Yeah. But officially I feel like that 14 should have been official when I told Blakely that 15 I was having issues.
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 felt you were being discriminated or harassed, what did you do? A. I submitted an online online notification. Q. How long after submitting that online notification were you contacted by someone at Shell? A. Well, it sends out an automatic email saying that it was accepted or entered and they got it. I believe it was within two weeks that I received contact from them. Q. Do you recall who the person was? A. Megan Kloosterman. Q. According to the records, it appears as though you notified Shell around November 15th, 2016, correct? A. I believe that's correct. Q. Did you speak with anyone prior to making this online notification about you making the notification? 	1 MS. GURMANKIN: Objection to 2 form. 3 THE WITNESS: It was known. I 4 don't know if everybody knows that. I 5 knew that. 6 BY MR. TUCKER: 7 Q. You knew that if you had a complaint, 8 the official way to make a complaint was to get on 9 the help line, correct? 10 A. No, I don't know that. 11 Q. I thought you just said a second ago you 12 knew? 13 A. Yeah. But officially I feel like that 14 should have been official when I told Blakely that 15 I was having issues. 16 Q. We have we'll go over more in detail 17 what you told Mr. Blakely, but you understood the 18 help line existed for you to a make complaint 19 also, correct? 20 A. Right.
1 felt you were being discriminated or harassed, 2 what did you do? 3 A. I submitted an online online 4 notification. 5 Q. How long after submitting that online 6 notification were you contacted by someone at 7 Shell? 8 A. Well, it sends out an automatic email 9 saying that it was accepted or entered and they 10 got it. I believe it was within two weeks that I 11 received contact from them. 12 Q. Do you recall who the person was? 13 A. Megan Kloosterman. 14 Q. According to the records, it appears as 15 though you notified Shell around November 15th, 16 2016, correct? 17 A. I believe that's correct. 18 Q. Did you speak with anyone prior to 19 making this online notification about you making 20 the notification? 21 A. Yeah. I told people that I wasn't going	1 MS. GURMANKIN: Objection to 2 form. 3 THE WITNESS: It was known. I 4 don't know if everybody knows that. I 5 knew that. 6 BY MR. TUCKER: 7 Q. You knew that if you had a complaint, 8 the official way to make a complaint was to get on 9 the help line, correct? 10 A. No, I don't know that. 11 Q. I thought you just said a second ago you 12 knew? 13 A. Yeah. But officially I feel like that 14 should have been official when I told Blakely that 15 I was having issues. 16 Q. We have we'll go over more in detail 17 what you told Mr. Blakely, but you understood the 18 help line existed for you to a make complaint 19 also, correct? 20 A. Right. 21 Q. Did you know at the time that you
1 felt you were being discriminated or harassed, 2 what did you do? 3 A. I submitted an online online 4 notification. 5 Q. How long after submitting that online 6 notification were you contacted by someone at 7 Shell? 8 A. Well, it sends out an automatic email 9 saying that it was accepted or entered and they 10 got it. I believe it was within two weeks that I 11 received contact from them. 12 Q. Do you recall who the person was? 13 A. Megan Kloosterman. 14 Q. According to the records, it appears as 15 though you notified Shell around November 15th, 16 2016, correct? 17 A. I believe that's correct. 18 Q. Did you speak with anyone prior to 19 making this online notification about you making 20 the notification? 21 A. Yeah. I told people that I wasn't going 22 to deal with it any more and that I was going to	1 MS. GURMANKIN: Objection to 2 form. 3 THE WITNESS: It was known. I 4 don't know if everybody knows that. I 5 knew that. 6 BY MR. TUCKER: 7 Q. You knew that if you had a complaint, 8 the official way to make a complaint was to get on 9 the help line, correct? 10 A. No, I don't know that. 11 Q. I thought you just said a second ago you 12 knew? 13 A. Yeah. But officially I feel like that 14 should have been official when I told Blakely that 15 I was having issues. 16 Q. We have we'll go over more in detail 17 what you told Mr. Blakely, but you understood the 18 help line existed for you to a make complaint 19 also, correct? 20 A. Right. 21 Q. Did you know at the time that you 22 notified Mr. Blakely?
1 felt you were being discriminated or harassed, 2 what did you do? 3 A. I submitted an online online 4 notification. 5 Q. How long after submitting that online 6 notification were you contacted by someone at 7 Shell? 8 A. Well, it sends out an automatic email 9 saying that it was accepted or entered and they 10 got it. I believe it was within two weeks that I 11 received contact from them. 12 Q. Do you recall who the person was? 13 A. Megan Kloosterman. 14 Q. According to the records, it appears as 15 though you notified Shell around November 15th, 16 2016, correct? 17 A. I believe that's correct. 18 Q. Did you speak with anyone prior to 19 making this online notification about you making 20 the notification? 21 A. Yeah. I told people that I wasn't going	1 MS. GURMANKIN: Objection to 2 form. 3 THE WITNESS: It was known. I 4 don't know if everybody knows that. I 5 knew that. 6 BY MR. TUCKER: 7 Q. You knew that if you had a complaint, 8 the official way to make a complaint was to get on 9 the help line, correct? 10 A. No, I don't know that. 11 Q. I thought you just said a second ago you 12 knew? 13 A. Yeah. But officially I feel like that 14 should have been official when I told Blakely that 15 I was having issues. 16 Q. We have we'll go over more in detail 17 what you told Mr. Blakely, but you understood the 18 help line existed for you to a make complaint 19 also, correct? 20 A. Right. 21 Q. Did you know at the time that you

SH	ELL EXPLORATION AND PRODUCTION, et al.		August 2, 2019
	Page 121		Page 123
,	Shell's HR policy, their antidiscrimination or	,	A. Sure.
1 2		2	
3		3	then sent this email?
	A. Did I provide her the policy?	4	
5		5	
6		6	email which we have marked as Exhibit-1 dated
	A. No.	7	December 6th, 2016?
8	Q. Did you ever access Shell's	8	
9	antidiscrimination, antiharassment policies?	9	documentation that I had.
10	A. Well, it's posted I think in our break	10	Q. So then I'll go back now. Does this
11	•	11	
12	Q. Did anyone prohibit you from reading the	12	Ms. Kloosterman before you sent this email?
13	posted antidiscrimination and antiharassment	13	A. I don't know.
14		14	Q. Either way, this document which we
15	A. No, but they don't abide by them.	15	marked as Exhibit-1, you agree it to be true and
16	Q. I understand that's your position. Did	16	accurate, correct?
17	anyone prohibit you from reading the policies?	17	MR. TUCKER: Let's go off the
18	A. No.	18	record.
19	Q. On the policies it indicates how you can	19	THE VIDEOTAPE TECHNICIAN: The
20	report complaints of discrimination and	20	time is now 1:46. Going off the video
21	harassment, correct?	21	record.
22	A. I believe so.	22	
23	Q. Ms. Kloosterman, you said, contacted you	23	(Whereupon, a brief recess was
24	about how long after you sent the email? About a	24	held.)
	Page 122		Page 124
1	week did you indicate?	1	
2	A. I would say within two weeks.	2	THE VIDEOTAPE TECHNICIAN: The
3	Q. Did she contact you via email or	3	time is now 1:47. Back on the video
4	telephone?	4	record.
5	A. Both, I believe.	5	BY MR. TUCKER:
6	Q. When she contacted you you two	6	Q. Ms. Barnes, you've had an opportunity to
7	eventually spoke, correct?	7	again look at Exhibits-1 and 2?
8	A. Right.	8	A. Yes.
9	,	9	•
10	Exhibits 1 and 2? Do you have those in front of	10	to Ms. Kloosterman, correct?
	you? Is that correct have you those in front of	11	A. As far as I can remember.
11	•		
12	you?	12	
12	you? A. Yes.	12 13	a spoken with her prior to sending her Exhibit-1,
12	you? A. Yes. Q. What we've marked as Exhibit-1 is		a spoken with her prior to sending her Exhibit-1, correct?
12 13	you? A. Yes. Q. What we've marked as Exhibit-1 is dated December 6, 2016, correct?	13	a spoken with her prior to sending her Exhibit-1, correct?A. I don't know if I did.
12 13 14	you? A. Yes. Q. What we've marked as Exhibit-1 is dated December 6, 2016, correct? A. Yes.	13 14	a spoken with her prior to sending her Exhibit-1, correct? A. I don't know if I did. Q. How did you know who to send this email
12 13 14 15	you? A. Yes. Q. What we've marked as Exhibit-1 is dated December 6, 2016, correct? A. Yes. Q. It's your email to Ms. Kloosterman,	13 14 15	a spoken with her prior to sending her Exhibit-1, correct? A. I don't know if I did. Q. How did you know who to send this email to if you hadn't spoken with her or communicated
12 13 14 15 16 17	you? A. Yes. Q. What we've marked as Exhibit-1 is dated December 6, 2016, correct? A. Yes. Q. It's your email to Ms. Kloosterman, correct?	13 14 15 16 17	a spoken with her prior to sending her Exhibit-1, correct? A. I don't know if I did. Q. How did you know who to send this email to if you hadn't spoken with her or communicated with her?
12 13 14 15 16 17 18	you? A. Yes. Q. What we've marked as Exhibit-1 is dated December 6, 2016, correct? A. Yes. Q. It's your email to Ms. Kloosterman, correct? A. Correct.	13 14 15 16 17 18	a spoken with her prior to sending her Exhibit-1, correct? A. I don't know if I did. Q. How did you know who to send this email to if you hadn't spoken with her or communicated with her? A. If I didn't speak to her, I don't
12 13 14 15 16 17	you? A. Yes. Q. What we've marked as Exhibit-1 is dated December 6, 2016, correct? A. Yes. Q. It's your email to Ms. Kloosterman, correct? A. Correct. Q. Was this email sent to her in response	13 14 15 16 17 18 19 20	a spoken with her prior to sending her Exhibit-1, correct? A. I don't know if I did. Q. How did you know who to send this email to if you hadn't spoken with her or communicated with her? A. If I didn't speak to her, I don't remember the full conversation.
12 13 14 15 16 17 18 19 20 21	you? A. Yes. Q. What we've marked as Exhibit-1 is dated December 6, 2016, correct? A. Yes. Q. It's your email to Ms. Kloosterman, correct? A. Correct. Q. Was this email sent to her in response to a conversation the two of you had? Or after a	13 14 15 16 17 18 19 20 21	a spoken with her prior to sending her Exhibit-1, correct? A. I don't know if I did. Q. How did you know who to send this email to if you hadn't spoken with her or communicated with her? A. If I didn't speak to her, I don't remember the full conversation. Q. This document that we've marked as
12 13 14 15 16 17 18 19 20 21 22	you? A. Yes. Q. What we've marked as Exhibit-1 is dated December 6, 2016, correct? A. Yes. Q. It's your email to Ms. Kloosterman, correct? A. Correct. Q. Was this email sent to her in response to a conversation the two of you had? Or after a conversation the two of you had?	13 14 15 16 17 18 19 20 21 22	a spoken with her prior to sending her Exhibit-1, correct? A. I don't know if I did. Q. How did you know who to send this email to if you hadn't spoken with her or communicated with her? A. If I didn't speak to her, I don't remember the full conversation. Q. This document that we've marked as Exhibit-1, you typed this, correct?
12 13 14 15 16 17 18 19 20 21	you? A. Yes. Q. What we've marked as Exhibit-1 is dated December 6, 2016, correct? A. Yes. Q. It's your email to Ms. Kloosterman, correct? A. Correct. Q. Was this email sent to her in response to a conversation the two of you had? Do you want me to phrase it	13 14 15 16 17 18 19 20 21 22	a spoken with her prior to sending her Exhibit-1, correct? A. I don't know if I did. Q. How did you know who to send this email to if you hadn't spoken with her or communicated with her? A. If I didn't speak to her, I don't remember the full conversation. Q. This document that we've marked as Exhibit-1, you typed this, correct? A. Yes. I provided a Word document to

Page 125 Page 127 want to call them. issue. Is that statement accurate? 1 2 Q. That is the attached -- if you look at 2 A. Yes. 339, the very first page, you see that it says 3 Q. What happened in your childhood that 3 attachments, HR report doc. Those are the images causes you to suffer from PTSD? 4 4 that you attached to the email. 5 A. My dad wasn't the best guy. 5 Is this the Word document you MR. TUCKER: Can I see you 6 6 provided beginning on Shell page 340? 7 7 outside? 8 A. I believe it is, but I'm not sure if 8 THE VIDEOTAPE TECHNICIAN: The anything is missing on here that was on the time is now 1:52. Going off the video 9 9 original document. record. 10 10 11 Q. Are you saying this is not the original 11 document you sent to Ms. Kloosterman? 12 12 (Whereupon, a brief recess was 13 A. I believe it is. 13 held.) Do you have a different document other 14 Q. 14 than what we have shown -- other than what is THE VIDEOTAPE TECHNICIAN: The 15 15 shown here that you sent to Mr. Kloosterman? time is now 1:54. Back on the video 16 16 17 A. I don't think so. 17 record. You've had an opportunity to read Shell BY MR. TUCKER: 18 Q. 18 pages 340 and 341, correct? 19 Q. Before we took a break I was asking you 19 20 A. Correct. 20 about the statement you have in here that, I 21 Q. Is everything that's stated in 340 and suffer from PTSD from my childhood. And you 21 341 true? indicated something as it relates to your father; 22 22 23 A. Yes. is that correct? 23 24 Q. Is it accurate also? 24 A. Correct. Page 126

- 1 A. Yes.
- 2 Q. You sent Exhibit-2, Kloosterman -- I'm
- sorry. Barnes-2, you have that document Barnes-2? 3
- Just the typed portion, we're not trying to get 4
- into the minute text messages because they're too 5
- small to read. Is everything that -- did you type 6
- 7 this and sent this to Ms. Kloosterman?
- 8 Α. Yes.
- Q. Is everything in here true? 9
- 10 A. Most of it, yes.
- What in here is not true? 11 Q.
- Well, before you said have I been 12 A.
- diagnosed with PTSD. I don't know if I have been. 13
- It's been mentioned, but I don't know if it was an
- actual diagnosis. 15
- Well, we go here and we look at this 16 Q.
- document, Exhibit-2. 17
- 18 A. Right.
- 19 Q. You say I do have a problem with people
- 20 touching me, probably more than the average person
- because I suffer from PTSD from my childhood, 21
- which I do not talk about with my co-workers. But 22
- I do not feel like I need to explain why I do not 23
- like being touched. It shouldn't even be an 24

- 1 Q. What is it that relates to your father
- 2 that you believe causes you to suffer PTSD?
- з А. My father was physically violent at
- 4 times.
- 5 Q. To you?
- 6 A.
- 7 Q. Was your father ever sexually violent
- towards you? 8
- 9 A.
- 10 Q. To any of your siblings?
- 11 A.
- 12 Q. Either physically or sexually?
- Physically, yes. 13 A.
- 14 Q. Did you receive any type of counselling
- or therapy because of your father's actions? 15
- 16 A. Yes.
- 17 Q. When did you first receive counselling
- or therapy about this? 18
- 19 A. When I was 16.
- 20 Q. Where did you receive counselling or
- 21 therapy?
- 22 A. It was out Big Flats, New York. I don't
- know. I don't remember. 23
- 24 Q. Big, B-I-G, F-L-A-T-S, Big Flats, New

SHELL EXPLORATION AND PRODUCTION, et al.	August 2, 2019
Page 129	Page 131
1 York?	1 A. No. In front of my mother?
2 A. Yes.	2 Q. No. Was your father physically violent
3 Q. Did do you recall who you	3 toward your other siblings?
4 pediatrician was?	4 A. I believe so.
5 A. No.	5 Q. Did you ever observe his physical
6 Q. Do you recall whether or not he or she	6 violence towards them?
7 was with a specific pediatric group or were they	7 A. Yes.
8 by themselves?	8 Q. Was your father physically violent to
9 A. I remember it was at her house.	9 your mother?
10 Q. Where was your pediatrician located?	10 A. Not physically that I saw.
11 A. Mansfield, PA.	11 Q. Was he emotionally violent towards her?
12 Q. You were living in Mansfield, but you	12 A. Yes.
were getting counselling in Big Flats, New York?	13 Q. Did you observe his emotional violence
14 A. Yeah, we aren't that far I wasn't	14 towards her?
that far away from Upstate New York border.	15 A. Yes.
16 Q. Were you prescribed any medications?	16 Q. How frequently was he emotionally
17 A. No.	17 violent towards her?
18 Q. Did it impact your schooling, your	18 A. I don't know the answer to that
19 father's actions?	19 question.
20 A. No. If anything school was an escape	20 Q. We had talked very early this morning
21 from it.	21 about the issue of whether or not you had seen any
22 Q. How long were you was this a	22 type of therapists or counselor, and you had said
23 psychiatrist, a psychologist, therapist or	23 other than the doctor you saw a couple of times
24 counselor? Who was she?	24 after you had made complaints, you had not seen
	,,,,,,,,,,,,,,,,
Page 130	Page 132
Page 130	Page 132
Page 130 1 A. I'm not sure.	Page 132 1 any type of therapist or counselor. Do you recall
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind	Page 132 1 any type of therapist or counselor. Do you recall 2 that?
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable	Page 132 1 any type of therapist or counselor. Do you recall 2 that? 3 A. Yes.
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable 4 term to you?	Page 132 1 any type of therapist or counselor. Do you recall 2 that? 3 A. Yes. 4 Q. Do you now mean to correct that?
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable 4 term to you? 5 A. That's fine.	Page 132 1 any type of therapist or counselor. Do you recall 2 that? 3 A. Yes. 4 Q. Do you now mean to correct that? 5 A. Yes.
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable 4 term to you? 5 A. That's fine. 6 Q. How long did you remain in counselling	Page 132 1 any type of therapist or counselor. Do you recall 2 that? 3 A. Yes. 4 Q. Do you now mean to correct that? 5 A. Yes. 6 Q. Further in that same vein, we talked
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable 4 term to you? 5 A. That's fine. 6 Q. How long did you remain in counselling 7 over these issues surrounding your father?	Page 132 1 any type of therapist or counselor. Do you recall 2 that? 3 A. Yes. 4 Q. Do you now mean to correct that? 5 A. Yes. 6 Q. Further in that same vein, we talked 7 about when you were 16 you saw this person a
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable 4 term to you? 5 A. That's fine. 6 Q. How long did you remain in counselling 7 over these issues surrounding your father? 8 A. I went once or twice only because my mom	Page 132 1 any type of therapist or counselor. Do you recall 2 that? 3 A. Yes. 4 Q. Do you now mean to correct that? 5 A. Yes. 6 Q. Further in that same vein, we talked 7 about when you were 16 you saw this person a 8 couple of times. You saw this person around the
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable 4 term to you? 5 A. That's fine. 6 Q. How long did you remain in counselling 7 over these issues surrounding your father? 8 A. I went once or twice only because my mom 9 asked me to.	Page 132 1 any type of therapist or counselor. Do you recall 2 that? 3 A. Yes. 4 Q. Do you now mean to correct that? 5 A. Yes. 6 Q. Further in that same vein, we talked 7 about when you were 16 you saw this person a 8 couple of times. You saw this person around the 9 issues dealing with Shell in 2017. In between age
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable 4 term to you? 5 A. That's fine. 6 Q. How long did you remain in counselling 7 over these issues surrounding your father? 8 A. I went once or twice only because my mom 9 asked me to. 10 Q. Did the family ever go to group	Page 132 1 any type of therapist or counselor. Do you recall 2 that? 3 A. Yes. 4 Q. Do you now mean to correct that? 5 A. Yes. 6 Q. Further in that same vein, we talked 7 about when you were 16 you saw this person a 8 couple of times. You saw this person around the 9 issues dealing with Shell in 2017. In between age 10 16 and 2017 when you saw this new counselor or
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable 4 term to you? 5 A. That's fine. 6 Q. How long did you remain in counselling 7 over these issues surrounding your father? 8 A. I went once or twice only because my mom 9 asked me to. 10 Q. Did the family ever go to group 11 counselling?	Page 132 1 any type of therapist or counselor. Do you recall 2 that? 3 A. Yes. 4 Q. Do you now mean to correct that? 5 A. Yes. 6 Q. Further in that same vein, we talked 7 about when you were 16 you saw this person a 8 couple of times. You saw this person around the 9 issues dealing with Shell in 2017. In between age 10 16 and 2017 when you saw this new counselor or 11 therapist, whatever you want to call her, had you
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable 4 term to you? 5 A. That's fine. 6 Q. How long did you remain in counselling 7 over these issues surrounding your father? 8 A. I went once or twice only because my mom 9 asked me to. 10 Q. Did the family ever go to group 11 counselling? 12 A. Not that I know of.	Page 132 1 any type of therapist or counselor. Do you recall 2 that? 3 A. Yes. 4 Q. Do you now mean to correct that? 5 A. Yes. 6 Q. Further in that same vein, we talked 7 about when you were 16 you saw this person a 8 couple of times. You saw this person around the 9 issues dealing with Shell in 2017. In between age 10 16 and 2017 when you saw this new counselor or 11 therapist, whatever you want to call her, had you 12 treated at all with any type of therapist,
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable 4 term to you? 5 A. That's fine. 6 Q. How long did you remain in counselling 7 over these issues surrounding your father? 8 A. I went once or twice only because my mom 9 asked me to. 10 Q. Did the family ever go to group 11 counselling? 12 A. Not that I know of. 13 Q. Did your father have a drinking problem?	Page 132 1 any type of therapist or counselor. Do you recall 2 that? 3 A. Yes. 4 Q. Do you now mean to correct that? 5 A. Yes. 6 Q. Further in that same vein, we talked 7 about when you were 16 you saw this person a 8 couple of times. You saw this person around the 9 issues dealing with Shell in 2017. In between age 10 16 and 2017 when you saw this new counselor or 11 therapist, whatever you want to call her, had you 12 treated at all with any type of therapist, 13 counselor, psychologist or psychiatrist?
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable 4 term to you? 5 A. That's fine. 6 Q. How long did you remain in counselling 7 over these issues surrounding your father? 8 A. I went once or twice only because my mom 9 asked me to. 10 Q. Did the family ever go to group 11 counselling? 12 A. Not that I know of. 13 Q. Did your father have a drinking problem? 14 A. Not that I'm aware of.	Page 132 1 any type of therapist or counselor. Do you recall 2 that? 3 A. Yes. 4 Q. Do you now mean to correct that? 5 A. Yes. 6 Q. Further in that same vein, we talked 7 about when you were 16 you saw this person a 8 couple of times. You saw this person around the 9 issues dealing with Shell in 2017. In between age 10 16 and 2017 when you saw this new counselor or 11 therapist, whatever you want to call her, had you 12 treated at all with any type of therapist, 13 counselor, psychologist or psychiatrist? 14 A. No.
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable 4 term to you? 5 A. That's fine. 6 Q. How long did you remain in counselling 7 over these issues surrounding your father? 8 A. I went once or twice only because my mom 9 asked me to. 10 Q. Did the family ever go to group 11 counselling? 12 A. Not that I know of. 13 Q. Did your father have a drinking problem? 14 A. Not that I'm aware of. 15 Q. Does anyone in your family have a	Page 132 1 any type of therapist or counselor. Do you recall 2 that? 3 A. Yes. 4 Q. Do you now mean to correct that? 5 A. Yes. 6 Q. Further in that same vein, we talked 7 about when you were 16 you saw this person a 8 couple of times. You saw this person around the 9 issues dealing with Shell in 2017. In between age 10 16 and 2017 when you saw this new counselor or 11 therapist, whatever you want to call her, had you 12 treated at all with any type of therapist, 13 counselor, psychologist or psychiatrist? 14 A. No. 15 Q. Did you suffer do you believe you
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable 4 term to you? 5 A. That's fine. 6 Q. How long did you remain in counselling 7 over these issues surrounding your father? 8 A. I went once or twice only because my mom 9 asked me to. 10 Q. Did the family ever go to group 11 counselling? 12 A. Not that I know of. 13 Q. Did your father have a drinking problem? 14 A. Not that I'm aware of. 15 Q. Does anyone in your family have a 16 drinking problem?	Page 132 1 any type of therapist or counselor. Do you recall 2 that? 3 A. Yes. 4 Q. Do you now mean to correct that? 5 A. Yes. 6 Q. Further in that same vein, we talked 7 about when you were 16 you saw this person a 8 couple of times. You saw this person around the 9 issues dealing with Shell in 2017. In between age 10 16 and 2017 when you saw this new counselor or 11 therapist, whatever you want to call her, had you 12 treated at all with any type of therapist, 13 counselor, psychologist or psychiatrist? 14 A. No. 15 Q. Did you suffer do you believe you 16 suffered long-term emotional damages because of
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable 4 term to you? 5 A. That's fine. 6 Q. How long did you remain in counselling 7 over these issues surrounding your father? 8 A. I went once or twice only because my mom 9 asked me to. 10 Q. Did the family ever go to group 11 counselling? 12 A. Not that I know of. 13 Q. Did your father have a drinking problem? 14 A. Not that I'm aware of. 15 Q. Does anyone in your family have a 16 drinking problem? 17 A. Not that I'm aware of.	Page 132 1 any type of therapist or counselor. Do you recall 2 that? 3 A. Yes. 4 Q. Do you now mean to correct that? 5 A. Yes. 6 Q. Further in that same vein, we talked 7 about when you were 16 you saw this person a 8 couple of times. You saw this person around the 9 issues dealing with Shell in 2017. In between age 10 16 and 2017 when you saw this new counselor or 11 therapist, whatever you want to call her, had you 12 treated at all with any type of therapist, 13 counselor, psychologist or psychiatrist? 14 A. No. 15 Q. Did you suffer do you believe you 16 suffered long-term emotional damages because of 17 your father's behavior towards your siblings and
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable 4 term to you? 5 A. That's fine. 6 Q. How long did you remain in counselling 7 over these issues surrounding your father? 8 A. I went once or twice only because my mom 9 asked me to. 10 Q. Did the family ever go to group 11 counselling? 12 A. Not that I know of. 13 Q. Did your father have a drinking problem? 14 A. Not that I'm aware of. 15 Q. Does anyone in your family have a 16 drinking problem? 17 A. Not that I'm aware of. 18 Q. Was there precipitating events that may	Page 132 1 any type of therapist or counselor. Do you recall 2 that? 3 A. Yes. 4 Q. Do you now mean to correct that? 5 A. Yes. 6 Q. Further in that same vein, we talked 7 about when you were 16 you saw this person a 8 couple of times. You saw this person around the 9 issues dealing with Shell in 2017. In between age 10 16 and 2017 when you saw this new counselor or 11 therapist, whatever you want to call her, had you 12 treated at all with any type of therapist, 13 counselor, psychologist or psychiatrist? 14 A. No. 15 Q. Did you suffer do you believe you 16 suffered long-term emotional damages because of 17 your father's behavior towards your siblings and 18 your mother?
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable 4 term to you? 5 A. That's fine. 6 Q. How long did you remain in counselling 7 over these issues surrounding your father? 8 A. I went once or twice only because my mom 9 asked me to. 10 Q. Did the family ever go to group 11 counselling? 12 A. Not that I know of. 13 Q. Did your father have a drinking problem? 14 A. Not that I'm aware of. 15 Q. Does anyone in your family have a 16 drinking problem? 17 A. Not that I'm aware of. 18 Q. Was there precipitating events that may 19 have caused your father to act violently or	Page 132 1 any type of therapist or counselor. Do you recall 2 that? 3 A. Yes. 4 Q. Do you now mean to correct that? 5 A. Yes. 6 Q. Further in that same vein, we talked 7 about when you were 16 you saw this person a 8 couple of times. You saw this person around the 9 issues dealing with Shell in 2017. In between age 10 16 and 2017 when you saw this new counselor or 11 therapist, whatever you want to call her, had you 12 treated at all with any type of therapist, 13 counselor, psychologist or psychiatrist? 14 A. No. 15 Q. Did you suffer do you believe you 16 suffered long-term emotional damages because of 17 your father's behavior towards your siblings and 18 your mother? 19 MS. GURMANKIN: Objection to
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable 4 term to you? 5 A. That's fine. 6 Q. How long did you remain in counselling 7 over these issues surrounding your father? 8 A. I went once or twice only because my mom 9 asked me to. 10 Q. Did the family ever go to group 11 counselling? 12 A. Not that I know of. 13 Q. Did your father have a drinking problem? 14 A. Not that I'm aware of. 15 Q. Does anyone in your family have a 16 drinking problem? 17 A. Not that I'm aware of. 18 Q. Was there precipitating events that may 19 have caused your father to act violently or 20 physical towards you or your siblings.	Page 132 1 any type of therapist or counselor. Do you recall that? 3 A. Yes. 4 Q. Do you now mean to correct that? 5 A. Yes. 6 Q. Further in that same vein, we talked about when you were 16 you saw this person a couple of times. You saw this person around the issues dealing with Shell in 2017. In between age 16 and 2017 when you saw this new counselor or therapist, whatever you want to call her, had you treated at all with any type of therapist, counselor, psychologist or psychiatrist? 14 A. No. 15 Q. Did you suffer do you believe you suffered long-term emotional damages because of your father's behavior towards your siblings and your mother? 19 MS. GURMANKIN: Objection to form. Go ahead.
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable 4 term to you? 5 A. That's fine. 6 Q. How long did you remain in counselling 7 over these issues surrounding your father? 8 A. I went once or twice only because my mom 9 asked me to. 10 Q. Did the family ever go to group 11 counselling? 12 A. Not that I know of. 13 Q. Did your father have a drinking problem? 14 A. Not that I'm aware of. 15 Q. Does anyone in your family have a 16 drinking problem? 17 A. Not that I'm aware of. 18 Q. Was there precipitating events that may 19 have caused your father to act violently or 20 physical towards you or your siblings. 21 A. I don't think anything I could have done	Page 132 1 any type of therapist or counselor. Do you recall 2 that? 3 A. Yes. 4 Q. Do you now mean to correct that? 5 A. Yes. 6 Q. Further in that same vein, we talked 7 about when you were 16 you saw this person a 8 couple of times. You saw this person around the 9 issues dealing with Shell in 2017. In between age 10 16 and 2017 when you saw this new counselor or 11 therapist, whatever you want to call her, had you 12 treated at all with any type of therapist, 13 counselor, psychologist or psychiatrist? 14 A. No. 15 Q. Did you suffer do you believe you 16 suffered long-term emotional damages because of 17 your father's behavior towards your siblings and 18 your mother? 19 MS. GURMANKIN: Objection to 20 form. Go ahead. 21 THE WITNESS: I feel like
Page 130 1 A. I'm not sure. 2 Q. How long did you remain in do you mind 3 if I call it counselling, is that an acceptable 4 term to you? 5 A. That's fine. 6 Q. How long did you remain in counselling 7 over these issues surrounding your father? 8 A. I went once or twice only because my mom 9 asked me to. 10 Q. Did the family ever go to group 11 counselling? 12 A. Not that I know of. 13 Q. Did your father have a drinking problem? 14 A. Not that I'm aware of. 15 Q. Does anyone in your family have a 16 drinking problem? 17 A. Not that I'm aware of. 18 Q. Was there precipitating events that may 19 have caused your father to act violently or 20 physical towards you or your siblings.	Page 132 1 any type of therapist or counselor. Do you recall that? 3 A. Yes. 4 Q. Do you now mean to correct that? 5 A. Yes. 6 Q. Further in that same vein, we talked about when you were 16 you saw this person a couple of times. You saw this person around the issues dealing with Shell in 2017. In between age 16 and 2017 when you saw this new counselor or therapist, whatever you want to call her, had you treated at all with any type of therapist, counselor, psychologist or psychiatrist? 14 A. No. 15 Q. Did you suffer do you believe you suffered long-term emotional damages because of your father's behavior towards your siblings and your mother? 19 MS. GURMANKIN: Objection to form. Go ahead.

24 other siblings, too?

24

when I was 16. So it's been -- I

SH	SHELL EXPLORATION AND PRODUCTION, et al.		August 2, 201
	Page 133		Page 135
	haven't anakan been around that since I		O It was often high cohool?
1			Q. It was after high school?A. Yes.
3		3	Q. What year did you graduate from high
4		4	school?
5		5	A. 2008.
6		6	Q. That's when you started at Mark's
7		7	Brothers?
8		8	A. I don't think I started until 2009.
9	THE WITHERS 6	9	Q. Your resume indicates 2009 to 2011.
10		10	Does that fit with your recollection?
11	· ND THOUSE IIII	11	A. Yes.
12	back.	12	Q. And then after that you were at Changos
13		13	Cantina?
14	(Whereupon, the court reporter	14	A. I worked at both places while working at
15	read back the appropriate portion of the	15	Shell.
16	transcript.)	16	Q. It seems as though you stopped working
17		17	at Changos Cantina in 2012. Does that fit with
18	THE WITNESS: Long-term, I don't	18	your recollection?
19	know if I would agree with that. Of	19	A. Yes.
20	,	20	Q. Why did you stop working at Changos
21		21	Cantina in 2012?
22	, , , , , , , , , , , , , , , , , , , ,	22	A. That exact incident was somebody threw a
23	,	23	beer bottle behind the bar, so I didn't want to
24	separated from your father or did you leave home	24	bartend any more.
	D 404		D 400
	Page 134		Page 136
1	or something else?	1	Q. They threw it at you?
2	A. I left home.	2	A. No, just behind, like, at the cooler
3	Q. Where did you go when you left home?	3	because our manager cut him off.
4	A. I went to my current boyfriends.	4	Q. You indicated earlier in the deposition
5	Q. Did you I guess this is a poor term,	5	it's your position that you were an administrative
6	,	6	assistant up until 2014; is that correct?
7	A. Yeah, I left home.	7	A. Correct.
8		8	Q. How is it that you stopped being an
9	9 , , , ,	9	administrative assistant? Who filled your role
	A. No.	10	who took over your role, if anyone, after you
11	,	11	stopped being an administrative assistant in 2014?
	A. His name was Kelly Harding.	12	A. It was penny Robbins took on the work
	Q. How long did you and Mr. Harding stay	13	for my role as administrative assistant.
14		14	Q. What was Ms. Robbins position prior to
15	•	15	you not being an administrative assistant?
16	Q. You continued to stay with Mr. Harding and you graduated from high school?	16	A. She was also an administrative assistant.
17		17	
18 19		18 19	Q. So it's your position that when you did you get a promotion in 2014?
20	waitressing job after that, or did you start	20	A. Yeah. When I took assumed the
21	waitressing job after triat, or did you start waitressing while you were in high school?	21	responsibilities of a maintenance analyst.
	A. No. I was 19, I believe, when I got my		Q. It's your position in 2014 you took the
~~	7 140. I WAG 10, I DONOVO, WINGII I GOLINIY	~~	a. It o your poolition in 2014 you took the

24 school.

23 waitressing job, I believe. It wasn't during high

24 A.

23 role as a maintenance analyst?

Correct.

SH	ELL EXPLO	DRATION AND PRODUCTION, et al.				August 2, 2019
		Page 137				Page 139
1	Q. Wh	en in 2014 did this happen?	1	V	ou w	ere at Synergy, correct?
		lieve October.		Α.		Correct.
3	Q. Did	you get a pay raise?	3	Q.		You were contractor, correct?
		, eventually. I don't think it was	4	A.		Correct.
5	right away	· · · · · · · · · · · · · · · · · · ·	5	Q.		You became an employee of Shell in 2015,
6	•	entually being how long?	6	C	orre	
7	A. I thi	nk it was within that year that I	7	A.		Yes.
8	did.		8	Q.		You interviewed for the maintenance
9	Q. 201	4 you got a pay raise because you	9	а	nalys	st position, correct?
10	became -	- because you believe you became a	10	A.		Correct.
11	maintena	nce analyst or because let me try this	11	Q.		How much when you got the position,
12	again. Is	it your contention that you received a	12	h	ow n	nuch did you start making?
13	pay raise i	in 2014 because you became a maintenance	13	A.		I don't know the exact amount, but I
14	analyst?		14	b		e it's around 58,000.
15	A. Bec	ause I received a promotion.	15	Q.		Was that a substantial increase from
16		your position in this litigation	16	y	our S	Synergy job?
17		use you believe you were promoted to a	17	A.		It's more.
18		nce analyst in 2014, you got a pay raise?	18	Q.		Well, how many hours were you working a
19		, I got a pay raise for filling that	19			at Synergy?
20	role.			Α.		40 hours a week.
		that happened in 2014?	21	Q.		And you were making \$19 an hour; is that
		t I can remember.	22		orrec	
		en was your next pay raise?		Α.		That's correct.
24	A. Whe	en I was hired on with Shell.	24	Q.		That equals about \$760 a week?
		Page 138				Page 140
	0 0	-				
		in 2014, who were you working for?		Α.		I think so.
	•	ergy International.		Q.		And over 52 weeks that's, like, 39,520?
3		u were working as a contractor,		Α.		I believe so.
4	correct?		4			You'd agree with me \$58,000 going
		rect.	5	_		39,520 to 58,000 is a substantial pay
		u did not start working with Shell	6	_	crea	
7	until what			Α.		I think it was with more around 55,000.
8	A. 201		8		- 00	You'd agree with me going from 39,520 to
		en you started working in 2015, did	9			0 is a substantial pay increase?
10	A. Yes	riew for a position?		A. Q.		It's a pay increase, yes. Were you given benefits when you were at
		at position did you interview for in	12		yner	
13	2015?	at position did you interview for in		Α.	-	Yes.
		ntenance analyst.		Q.		Did the benefits get better when you
		en you stopped working with Synergy	15		ent t	to Shell?
16		pecame a maintenance analyst at Shell,		A.		No.
17		the pay difference going from Synergy to		Q.		They were not as good, same, better,
18		can ask that differently. When you	18		orse	
19		vorking at Synergy as a contractor at		A.		There was a pension with Shell.
20		much were you making an hour?		Q.		Vacation?
	A. 19.	That word you making an nour:		A.		Vacation:
		en you started as a maintenance		Q.		Did you get vacation when you were at
44		hen you were no longer a contractor to	24	\ر. د		Dia you got vacation when you were at

24

analyst when you were no longer a contractor -- to

be clear, you were not an employee of Shell when

23 Synergy?

Yes.

24 A.

Page 141

- 1 Q. How much vacation did you got at
- 2 Synergy, paid vacation?
- 3 A. It was three weeks if you have five
- 4 years. So I left before my five-year mark with
- 5 them, so two weeks.
- 6 Q. How much vacation did you get when you
- 7 started with Shell?
- 8 A. Three weeks.
- 9 Q. So you got more vacation, you got a pay
- 10 increase and you got a pension. Did you have
- 11 health insurance at Synergy?
- 12 A. Yes.
- 13 Q. Did have you health insurance at Shell?
- 14 A. Yes.
- 15 Q. Whose health insurance plan was better?
- 16 A. I believe Synergy's was.
- 17 Q. Why didn't you stay on at Synergy
- instead of going to work at Shell?
- 19 A. Well, that was my goal was to get hired
- 20 on with Shell.
- 21 Q. Who interviewed you for your position?
- 22 A. Will Turney, I believe Hondo Blakely was
- 23 there.
- 24 Q. Why do you think you got the job?

- other lady in the building?
- 2 A. Not that I'm aware of.
- 3 Q. Do you know if you were their first
- 4 choice to hire?
- 5 A. I don't know that.
- 6 Q. When were you told when you were at
- 7 Synergy that you were a maintenance analyst?
- 8 A. Will Turney and Chris Anderson came to
- 9 me and asked me if this would be something I was
- interested in because they thought I would be a
- 11 good fit for it. Will was the one that drove that
- 12 your title now is maintenance analyst.
- 13 Q. He said that to you in October of 2014?
- 14 A. Right.
- 15 Q. Do you think he did that to you, for you
- 16 because you were a woman?
- 17 A. I want to say I hope it was because I
- 18 did a good job, but now seeing things more how it
- 19 progressed, it could have been.
- 20 Q. Prior to becoming a Shell employee, not
- when you worked at Synergy, prior to you becoming
- 22 Shell while at Synergy, but before you became
- employed with Shell, did you work with Mr. Turney?
- 24 A. Yes.

Page 142

- 1 A. Because I was qualified.
- 2 Q. Any other reason?
- 3 A. I was agreeable, I didn't cause any
- 4 problems.
- 5 Q. Do you know if anyone -- do you know if
- 6 either Mr. Turney or Mr. Blakely desired to have
- 7 someone else other than you in the position?
- 8 A. I know they interviewed other people.
- 9 Q. Who did they interview?
- 10 A. Another lady in the building.
- 11 Q. Do you know if they interviewed anyone
- 12 else?
- 13 A. Not that I'm aware of.
- 14 Q. Who was the other lady in the building
- 15 they interviewed?
- 16 A. Heather White.
- Q. Do you know if she was offered the
- 18 position?
- 19 A. I do not.
- 20 Q. Do you know if they interviewed anyone
- 21 that was in Houston?
- 22 A. I do not.
- 23 Q. Do you know if they attempted to solicit
- 24 someone else other than you or as you call it the

- 1 Q. Did you work with Mr. Blakely?
- 2 A. Yes.
- 3 Q. Who else did you work with?
- 4 A. I worked with Ken Forman, Dan Price. Do
- 5 you mean directly in my group?
- 6 Q. Yes.
- 7 A. Dan Price, Ken Foreman, Matt Scolney.
- 8 Q. I apologize. I can make this easier.
- 9 Identify all the people you allege sexually or
- 10 harassed you because of your gender. Identify all
- 11 the persons who harassed you because of your
- 12 gender?
- 13 A. Hondo Blakely, Will Turney, Mark Hoover.
- 14 Q. Could you hold on. Who else?
- 15 Mr. Forman?
- 16 A. Foreman.
- 17 Q. Is that a yes?
- 18 A. Yes. That's all I can think of right
- 19 now.
- 20 Q. You've identified four individuals you
- 21 contend in this litigation who harassed because of
- 22 your gender, correct?
- 23 A. Yes.
- 24 Q. Did you work with any of these four

SHELL EXPLORATION AND PRODUCTION, et al.	August 2	, 2019
Page 145	Paç	ge 147
1 individuals before you become employed by Shell?	1 O Apything aloo?	
individuals before you became employed by Shell?A. Yes.	1 Q. Anything else?2 A. Not that I can think of at this time.	
3 Q. Who did you work with?	3 THE VIDEOTAPE TECHNICIAN:	
4 A. I worked with all of them.	4 Counsel, I'm going to have to switch	
5 Q. Did any of them harass you because of	tapes real quick.	
6 your gender before you became employed with Shell?	6 BY MR. TUCKER:	
7 A. Yes.	7 Q. While he is switching tapes, would you	
8 Q. Who?	8 like to try to refresh your recollection by	
9 A. Will.	9 looking at documents?	
10 Q. Mr. Blakely? I'm sorry?	o A. If that's yeah, if that's okay.	
11 A. Turney.	1 MR. TUCKER: Let's go off the	
12 Q. I'm sorry. Mr. Turney. Who else?	2 record.	
13 A. All I can think of right now.	3 THE VIDEOTAPE TECHNICIAN: Tim	ne
14 Q. So it is your contention, you contend in	4 is now 2:18. This concludes disk two.	
15 this litigation that before you became an employee	5	
at Shell and while you were at employed at	6 (Whereupon, a brief recess was	
17 Synergy, Mr. Turney harassed you because of your	7 held.)	
18 gender?	8	
19 A. It was just the culture there.	9 THE VIDEOTAPE TECHNICIAN: The	Э
20 Q. Is it your position in this litigation	o time is now 2:23. This begins disk	
that before you became employed at Shell and while	1 three.	
you were a contractor at Synergy, Mr. Turney	2 BY MR. TUCKER:	
23 harassed you because of your gender?	3 Q. Ms. Barnes, we just took a break,	
24 A. There was comments made about women in	4 correct?	
Page 146	Paç	ge 148
1 the office all the time.	1 A. Yes.	
2 Q. Is it your position in this litigation	2 Q. Did you have an opportunity to speak	
3 that prior to you becoming an employee at Shell	with your counsel?	
4 and while you were a contractor at Synergy,	4 A. Yes.	
5 Mr. Turney harassed you because of your gender?	5 Q. What did you and she talk about?	
6 A. He did, yes.	6 A. Just encouraged me to I was doing a	
7 Q. Tell me everything that Mr. Turney did	7 good job.	
8 to you prior to you becoming an employee of Shell	8 Q. What specifically did she say to you?	
9 that you contend was sexually harassing. Tell me	9 A. Asked me if I was okay and I was doing	
10 everything.	o good.	
11 A. He showed me a selfie of himself in his	1 Q. Did she point you to any documents to	
12 underwear.	2 look at to refresh your recollection?	
13 Q. Anything else? Are you referring to	3 A. No.	
14 documents to refresh your recollection?	4 Q. Have you had an opportunity to look at	
15 A. Yes.	5 documents when we took the break to refresh y	our
16 Q. Without referring to documents, tell me	6 recollection?	
17 from your memory. Then if you want you can refer	7 A. I didn't really review them until we	
to documents. First tell me everything you recall	8 came back into the room.	
that Mr. Turney did to you prior to you becoming	9 Q. Based upon your review of the documents	s,
20 Shell employee that you believe was sexually	o are you able to identify any other sexually	
21 harassing.	harassing conduct by Mr. Turney other than you	ı did
22 A. He would put me in situations with other	2 before the break?	
	- A Defect Leading 10 Obello	

24 get along with.

23 female co-workers that he thought that I didn't

23 A.

24 Q.

Yes.

Before I was hired with Shell?

Page 149

- 1 A. No, I was not able to identify.
- 2 Q. So if I understand, prior to being hired
- 3 by Shell, you said that Mr. Turney showed you a
- 4 selfie of him in his underwear, correct?
- 5 A. Yes.
- 6 Q. Were they underwear or were they workout
- 7 shorts?
- 8 A. They were underwear.
- 9 Q. How do you know they were underwear?
- 10 A. Because they were boxer briefs.
- 11 Q. Were they Under Armor boxer briefs?
- 12 A. I don't believe so.
- 13 Q. In what context did he show you the
- 14 selfie? Tell me how it happened.
- 15 A. We were at work a event in Canada and he
- asked me -- he showed me, and I believe he was
- expecting a different response than what he got.
- 18 Q. Tell me what he said before he showed
- 19 you the --
- 20 A. That he wanted to show me something.
- 21 Q. That's all he said? I want to show you
- 22 something? Is that the extent of the conversation
- 23 you had with him?
- 24 A. Yes.

- 1 Q. What did he say when he showed you his
- 2 selfie?
- 3 A. I don't know if I gave him much time to
- 4 say anything because I told him not show me that.
- 5 Q. Were those his exact words?
- 6 A. No.
- 7 Q. What were you your exact words?
- 8 A. I told him not to show me that shit.
- 9 Q. What did he say in response?
- 10 A. I laughed about it.
- 11 Q. What did you do?
- 12 A. I left shortly after.
- 13 Q. Who did you first tell about this?
- 14 A. I don't recall who I told about it.
- 15 Q. Did you tell anyone at Synergy?
- 16 A. No.
- 17 Q. When is the first time you recall
- 18 telling anyone about this?
- 19 A. I don't recall if I -- specifically if I
- 20 told someone.
- 21 Q. How long had you and Mr. Turney been
- working with each other at this point?
- 23 A. Well, we worked -- how long I had been
- 24 working directly for him or how long we been

Page 150

- 1 Q. Out of the clear blue sky he just said
- 2 to you, I want to show you something?
- з A. Yes.
- 4 Q. Were you and he talking with each other
- 5 before he said I want to show you something?
- 6 A. Oh, yeah.
- 7 Q. What were you guys talking about?
- 8 A. I don't recall exactly what we were
- 9 talking about. We were all talking that night.
- 10 Q. Did he talk to you about him having been
- 11 overweight?
- 12 A. He had -- not at this time. He had
- 13 mentioned it before.
- 14 Q. Not during that evening he had not
- 15 talked to you about him having been overweight?
- 16 A. Not that I recall.
- 17 Q. Did you know Mr. Turney when he was much
- 18 bigger?
- 19 A. Yes.
- 20 Q. And he had lost a lot of weight by the
- time of 2014; is that correct?
- 22 A. Correct.
- 23 Q. And he showed you selfie of himself?
- 24 A. Yes. he did.

- working near each other? Because we've been in
- 2 the same building, but we weren't directly working
- 3 together.
- 4 Q. At this point in 2014 he was your direct
- 5 supervisor through the contracting service?
- 6 A. Yes.
- 7 Q. How long had he been your supervisor
- 8 through the contracting service?
- 9 A. Less than a year.
- 10 Q. More than 10 months?
- 11 A. I can't give you an exact answer.
- 12 Q. In the time period between 2014 and when
- you -- by the time you were hired in 2015, had you
- been working for Mr. Turney for a year? Was it
- 15 little more?
- 16 A. I believe so.
- 17 Q. During that year period, you indicated
- 18 two things, him showing you the selfie and him
- 19 putting you in situations with other females who
- 20 he -- who he suspected you get didn't get along
- 21 with, correct? Those were the two sexually
- 22 harassing and discriminatory acts by Mr. Turney,
- 23 correct?
- 24 A. Those are the two that I can remember

SHELL EXPLORATION AND PRODUCTION, et al. August 2, 2019 Page 153 Page 155 right now. 1 A. They typically did it in January of each 1 month, so I don't know if I was in the room in 2 Q. When you were at Synergy, did Synergy 2 have an antidiscrimination and harassment policy? 3 2015. 3 Do you remember receiving training in 4 A. I would assume they did, but I didn't 4 Q. August of 2015 on shell's antidiscrimination and deal a lot with Synergy other than they gave me my 5 5 harassment policy? 6 pay. 6 7 Q. When you were you were working with 7 A. August 2015? 8 Q. 8 Synergy, did Synergy have an antidiscrimination or Yes. harassment policy? 9 A. I don't recall. I don't know. I can't recall if I ever MR. TUCKER: Let's go off the 10 A. 10 saw one. record very quickly so I can get you a 11 11 12 Q. Did you ever report these incidents to 12 document. anyone at Synergy? THE VIDEOTAPE TECHNICIAN: Time 13 13 is now 2:31. Going off the video 14 A. No. 14 15 Q. Who made the decision, if you know, at 15 record. Shell to hire you? 16 16 17 A. I believe Will and Hondo were involved. 17 (Whereupon, a brief recess was 18 Q. They knew you were a female when they 18 held.) 19 hired you, correct? 19 THE VIDEOTAPE TECHNICIAN: The 20 A. Correct. 20 21 Q. You had worked with Mr. Turney directly time is now 2:44. Back on the video 21 for close to a year, correct? record. 22 22 23 A. Correct. 23 BY MR. TUCKER: 24 Q. Had you worked with Mr. Blakely for 24 Q. Ms. Barnes, I want to show you couple of Page 154 Page 156 close to a year? documents which we will mark as Barnes-6 and 1 2 A. With him, yes. 2 Barnes-7. 3 Q. When you first became employed, a Shell 3 employee, did you go through any type of 4 4 (Whereupon, Barnes-6 and antidiscrimination or harassment training, be it Barnes-7 were marked for identification 5 5 on the computer or given information? and are attached hereto.) 6 6 7 A. 7 8 Q. You were informed of Shell's BY MR. TUCKER: 8 antidiscrimination and harassment policy when you 9 Q. Do you have the documents in front of 9 first became employed at Shell? you which we have marked as Barnes-6 and 7? 10 10 The first day or -- we did annual 11 A. Yes, I do. 11 A. trainings. I don't know a specific day of when I 12 Q. You see they're dated August 27th, 2015? 12 did it. 13 A. Yes, I do. 13

- Early on during your orientation when 14 Q.
- you were first employed at Shell, you were given 15
- training about Shell's antidiscrimination and 16
- antiharrassment policy, correct? 17
- I don't think -- I don't know if that's 18 A.
- correct. I don't know if they did that. 19
- 20 Q. You were given at least yearly though,
- correct? 21
- 22 A. Annually, yes.
- 23 Q. You were given training in 2015,
- 24 correct?

```
14 Q.
           And you -- does this refresh your
    recollection of having received and acknowledged
15
    Shell's code of conduct?
16
17 A.
           Yes. I think that -- I don't really
    remember it, but.
18
           But you don't disagree that this is your
19 Q.
20
    acknowledgment of having had the opportunity to
```

review the Shell ethics policy and Shell's

antiharrassment policy and Shell's equal

employment opportunity policy?

Yes, I think so.

21

22

23 24 A. SHELL EXPLORATION AND PRODUCTION, et al. August 2, 2019 Page 157 Page 159 1 Q. I'm going to hand you a document. I 1 Q. Do you believe it was there all along, only have one copy, so I'm going to give it to 2 but you just had never noticed it before? 2 your counsel first. This is Shell's з А. I can't answer that. 3 antiharrassment policy. I'm going to give this to 4 Q. You indicated Mr. Turney's preemployment 4 conduct which you found discriminatory and 5 your counsel. 5 Do you recognize that document? harassing, one was the selfie of himself. The 6 6 7 A. Yes. other one, the other conduct you indicate was him 7 8 Q. This was the antiharrassment policy that 8 putting you in situations with other female was in effect at the time you worked at Shell? employees who he believed you had conflict with. 9 Yes, I believe so. Is that correct? 10 A. 10 11 A. 11 Q. I'm going to hand you Shell's equal Yes. 12 Q. opportunity policy. First, I'm going to give it What about that did you believe was 12 to your counsel. harassment because of your gender? 13 13 14 14 A. Because he wasn't putting males together (Whereupon, Barnes-8 and that he didn't think that got along, he put 15 15 Barnes-9 were marked for identification 16 16 females together. and are attached hereto.) 17 Q. How do you know that he didn't think you 17 18 guys got along? 18 BY MR. TUCKER: 19 A. There are messages of him saying he 19 20 Q. The number that's on that Exhibit-9, is 20 brought me in there on purpose. that the number that you called when you reported 21 Q. Was it just you he was doing this to or 21 your claims of harassment and discrimination? was it the other females he was doing this to? 22 22 23 MS. GURMANKIN: Objection to 23 A. I can't speak for the other females. 24 Q. 24 form. There are 2014 messages which says he's Page 158 Page 160 THE WITNESS: I didn't call a doing this? 1 1 2 number. 2 A. I don't know if that's the specific -- I BY MR. TUCKER: don't know the specific date, but there are 3 3 You did the email? messages that he brought me into the conference 4 Q. 4 5 A. Yeah. However that works online. 5 room. 6 Q. How were you able to know that email? But none of those messages that we 6 Q. 7 A. We have an HR online area we go that has 7 looked at were pre-employment Shell. You'd agree policies on it. with me? 8 8 Q. And in addition to having that online, 9 Α. I don't know what messages. 9 Shell-8, could you go back to that, please? That 10 MR. TUCKER: Let's go off the 10 actually policy was posted? 11 11 record. Correct. THE VIDEOTAPE TECHNICIAN: The 12 A. 12 From the time that you first started time is now 2:50. Going off the record. 13 Q. 13 working at Shell, correct? 14 I don't know that. I've seen this 15 A. 15 (Whereupon, a brief recess was document posted, I believe. held.) 16 16 When do you recall first seeing it? 17 Q. 17

what I needed to do.

Yes.

18

20

19 A.

21 Q.

22 A.

23 Q.

When you were working for Synergy?

No, when I started looking into more of

Is that when you first it noticed it?

It's posted in a break out room?

18

19

20

22

23

24

21 Q.

BY MR. TUCKER:

THE VIDEOTAPE TECHNICIAN: Time

is now 2:52. Back on the video record.

So is it your position in this

litigation that almost immediately after starting

your employment with Shell that you began to be

subjected to gender harassment and discrimination?

Page 164

Page 161

- 1 A. Can you repeat that, please?
- 2 Q. When do you recall first becoming a
- full-time employee at Shell? 3
- 4 A. 2015.
- 5 Q. When in 2015?
- 6 A. I believe september.
- 7 Q. From September '15 -- when after
- 8 September '15 did you begin to be subjected to
- harassment and gender discrimination? 9
- It began earlier than that. Α. 10
- 11 Q. Well, we have gone over there because
- you identified the one person, that was 12
- Mr. Turney, who harassed you or discriminated 13
- against you prior to you becoming an employee, 14
- correct? Remember? 15
- 16 A. Yes, I remember the conversation.
- 17 Q. Do you remember the question and answer?
- You identified two incidents, one where he showed 18
- you a selfie of him and the other where you said 19
- 20 that he put you and other women in situations
- where he thought there would be conflict. Do you 21
- remember that? 22
- 23 A. Yes.

2

3

6

9

10

12 13 Q.

15

17

18

19

21

22

23 24 A.

20 Q.

16 A.

11 A.

4 A.

5 Q.

7 A.

8 Q.

24 Q. He was the only person and those were

the only two incidents prior to you becoming

discriminatory and harassing, correct?

September 2015.

frequently started in 2016.

employed at Shell that you identified as being

That's what I can remember right now.

Now my question is, what was the date

you started being a full-time employee at Shell?

When after September 2015 was the

first -- was the first incident of harassment and

When was the first thing? It more

Is there anything that you recall in

2015 happening to you that was discriminatory or

I believe I was referring to when he put

That's the only gender harassment or

discriminatory act in 2015, when he would put you

in situations that he believed that you didn't get

That I can remember right now.

discrimination because of your gender?

harassing because of your gender?

was referring to 2015, not 2014.

along with other women?

-- when I was talking about he put me in

situations with other women that I didn't like, I

- 1 Q. Let's talk about 2016. When is the
 - first harassing or discriminatory event that you 2
 - can recall that happened in 2016? 3
 - 4 A. That I can remember right now, is that
 - he would make belittling comments and he would 5
 - criticize my work over the -- a lot more than the 6
 - 7 males.
 - 8 Q. This began in 2016?
 - 9 A. Yes.
 - Q. Finally, at about November 15th of that 10
 - year, that's when we established that you reported 11
 - it on the help line, correct? 12
 - 13 A. Yes.
 - 14 Q. So during that 11 month period, that's
 - when the discriminatory and harassing conduct 15
 - 16 occurred by various individuals who you
 - 17 identified, correct?
 - 18 A. That's correct.
 - 19 Q. You speak to Ms. Kloosterman some time
 - 20 in either very late 2016 -- late November 2016 or
 - early December 2016, is that about right? If you 21
 - want, you can look at documents one and two to 22
 - refresh your recollection. 23
 - 24 A. I spoke to her at some point in between

Page 162

- that time frame. 1
- 2 Q. I just want to --
- з А. I don't know if --
- 4 Q. I'm just trying to get us a time frame.
- We can agree it was some time in late November 5
- 2016 or very early December 2016 that you spoke 6
- 7 with her, correct?
- 8 A. Yes.
- Q. From your understanding, Ms. Kloosterman 9
- undertook an investigation, correct? 10
- Her terms of an investigation. 11 A.
- 12 Q. Do you have any special knowledge of how
- an investigation should be conducted where there 13
- are claims of harassment and discrimination? 14
- 15 A. Do I have knowledge?
- 16 Q. Yeah. Do you have any specialized
- knowledge? 17
- 18 A. I wouldn't say I have specialized
- knowledge around it. 19
- 20 Q. Do you believe that Shell's
- investigation of your claims of discrimination and 21
- harassment was inadequate? 22
- 23 A. Can you say that again?
- MR. TUCKER: I'll have it read 24

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SHELL EXPLORATION AND PRODUCTION, et al. Page 165 Page 167 back. conduct, correct? 1 2 A. No. 2 (Whereupon, the court reporter 3 Q. She didn't tell you that? 3 read back the appropriate portion of the 4 A. She told me that they violated the code 4 5 transcript.) of conduct. 5 Q. And that was the basis of her doing the 6 6 THE WITNESS: Inadequate, yes, investigation she concluded that, correct? 7 7 they did not perform. 8 Well, let me -- we're talking 8 BY MR. TUCKER: past each other. After you gave Ms. Kloosterman 9 9 Do you know if people, if certain this email document, which are one and two, Q. 10 10 employees were disciplined as a result of your Exhibits-1 and 2, did she then meet with you? Did 11 11 complaints of discrimination and harassment? she physically meet with you to talk to you about 12 12 13 A. I don't know that. your complaints? 13 14 Q. Ms. Kloosterman met with you around 14 A. Yes. December 15th, 2016, does that fit with your 15 Q. And did she take notes? 15 16 A. recollection? 16 Yes 17 A. I believe so. 17 Q. And she asked you questions, specific Did she meet with you more than once on questions as it related to the allegations you 18 Q. 18 that date? Do you recall if she met with you 19 made in that -- in those memos, correct? 19 20 initially with a gentleman by the name of Gregg 20 A. Correct. Larson? 21 Q. She met with you very shortly after you 21 22 A. We did meet between the three of us. supplied her with that, correct? 22 23 Q. Then did she meet with you separately? 23 A. Correct. 24 A. 24 Q. Is it your position in this litigation Page 166 1 Q. Tell me everything you recall about her that Ms. Kloosterman was biased against you during meeting when it was you, her and Gregg Larson in 2 the investigation? 2 the meeting? з А. I think so. 3 It was actually the meeting with her 4 Q. 4 A. What do you base that upon? first, and then at the end Gregg Larson and I and She was trying to protect the company 5 A. 5

- 6 Megan went over the next time. 7 Q. Let's talk about the meeting that you
- had with her first. Tell me everything you recall 8 about the meeting. 9
- I supplied her with documents that --10
- the Word document where I had wrote the --11
- I think -- let me refresh your 12 Q.
- recollection. And you tell me if I am correct. 13
- On December 15th, according to the records,
- Ms. Kloosterman met with you to give the results 15
- of the investigation, and then she met with you 16
- and Mr. Larson together. Do you recall that? 17
- She didn't give me results of the Α. 18
- investigation. She just concluded that they were 19
- in violation of the code of conduct. 20
- 21 Q. She concluded that who?
- 22 A. Mark Hoover and Will Turney.
- 23 Q. So she did give you the results of the
- investigation that they violated the code of

- and not me. 6
- 7 Q. What do you base that upon?
- 8 A. What I was subjected to with
- retaliation. 9
- 10 Q. I'm talking about during her
- investigation. I'm not talking about the 11
- retaliation. During her investigation, you said 12
- you thought she was trying to protect the company 13
- during her investigation. What do you base that 14
- upon? Is that just a belief you have because she 15
- worked for the company? Did she say something, do 16
- something during the investigation that led you to 17
- believe that she was not being fair? 18
- 19 A. She didn't necessarily say something.
- 20 but it wasn't in -- it wasn't the policy.
- 21 Q. What wasn't the policy?
- There is a zero tolerance policy within 22 A.
- Shell. 23
- 24 Q. Did she -- did she say something or do

Page 172

Page 169

- something during the investigation that indicated 1
- to you that she was not being fair? 2
- з А. She said I needed to think about how I
- came across in the office, that I felt she was 4
- blaming me for these things that happened.
- Anything else? 6 Q.
- 7 A. I had asked -- after she said that Mark
- -- about Mark and Will. I asked about Ken Forman. 8
- Q. I'm just talk during the investigation. 9
- When she came back to you later on in December, 10
- she had can completed the investigation, correct? 11
- As far as you knew? 12
- As far as I knew. 13 A.
- 14 Q. So I'm talking about during the
- investigation. After she sat down with you, she 15
- had read -- you had gotten the understanding 16
- before she met with you she had actually read your 17
- documents, correct? Did you get that impression? 18
- 19 A.
- 20 Q. She went through -- did she go through
- very specifically your allegations in your 21
- documents? 22
- 23 A. She went through them.
- 24 Q. She asked you to give her any

- 1 Q. Did she tell you that Mr. Turney and
- Mr. Hoover had violated Shell's policy? 2
- з А. Code of conduct I thought was a policy.
- 4 Q. Yes. Did she tell you that Mr. Turney
- and Mr. Hoover violated the policies? 5
- 6 A. The code of conduct, yes.
- 7 Q. Did she tell you that anyone else
- violated the code of conduct? 8
- 9 A. No.
- 10 Q. Did you believe other persons had
- 11 violated the code of conduct?
- 12 A. Yes, I did believe that.
- 13 Q. Who else had you believed violated the
- code of conduct? 14
- 15 A. Ken Forman, Greg Larsen, Michelle
- Priest. 16
- 17 Q. This is at the time -- let me stop you
- for a second. I'm talking when she came to you in 18
- 19 December 2016. Because, correct me if I'm wrong,
- 20 you believe Ms. Priest violated the code of
- conduct when you didn't get the position that you 21
- wanted, correct? 22
- 23 A. And also when I was ranked at a lower
- 24 job grade for the maintenance analyst position.

- information you had to support, and you already 1 Q.
- 2 attached information also, correct?
- з А. Correct.
- 4 Q. She asked you about eyewitnesses also?
- 5 A.
- She told you she was going to continue 6 Q.
- 7 her investigation, correct?
- 8 A. Yes.
- Q. And then she came back and met with you 9
- at the end of her investigation and she told you 10
- that you certain people had violated Shell's code 11
- of conduct, correct? 12
- 13 A. She told me that.
- 14 Q. Who did she tell you violated Shell's
- code of conduct? 15
- 16 A. Will Turney and Mark Hoover.
- I thought that was inadequate? 17 Q.
- 18 A.
- 19 Q. Why did you believe her conclusion that
- 20 Mr. Turney and Mr. Hoover violating Shell's code
- of can conducts was inadequate? 21
- 22 A. Because I was being subjected to sexual
- harassment and discrimination and that's against 23
- 24 the law.

- So when you originally got the
- 2 maintenance analyst position and you got a lower
- grade, you believe that Ms. Priest played a role 3
- in that? 4
- 5 A. Yes, and Larson.
- Let me see if I can understand what 6
- 7 you're saying here. You correct me if I'm wrong,
- I want to make sure I'm clear. Are you saying 8
- that when you initially got the maintenance 9
- analyst position you were discriminated against 10
- because you were a woman? 11
- 12 A.
- 13 Q. Because of the grade that you were
- given? 14
- 15 A.
- And you believe who made the decision to 16 Q.
- give you that grade? 17
- 18 A. I believe anyone that was involved in my
- hiring process. 19
- 20 Q. So anyone that was involved in your
- hiring process that graded you as an eight --21
- Right. 22 A.
- 23 Q. -- instead of a seven, did that because
- of your gender, correct?

Page 173

- 1 A. Yes.
- 2 Q. Is that your position in this litigation
- 3 that because you were graded an eight instead of a
- 4 seven as a maintenance analyst, that was done
- 5 because of your gender?
- 6 A. I was graded an eight instead of a six.
- 7 Q. Because you were graded an eight instead
- 8 of a six, it's your position in this litigation
- 9 that that was done because of your gender?
- 10 A. Yes.
- 11 Q. What do you base that upon?
- 12 A. That I was the lowest paid maintenance
- 13 analyst.
- 14 Q. How many other maintenance analysts were
- 15 at your facility?
- 16 A. I was the only one at my facility, but
- 17 there's maintenance analysts across the U.S. and
- 18 Canada in Shell.
- 19 Q. How many other maintenance analysts were
- 20 at your facility?
- 21 A. Just myself.
- 22 Q. What are the various bands that a
- 23 maintenance analyst can be? Can they be a six, a
- 24 seven or an eight?

- 1 and sevens?
- 2 A. An eight is the lowest.
- 3 Q. Because it's reversed?
- 4 A. It's hard. Right. Right.
- 5 Q. So let's use six is high, seven is
- 6 lower, eight is lower. That's the way -- you and
- 7 I both have the same understanding. It's hard
- 8 talking about that. Six means more money,
- 9 correct?
- 10 A. Correct.
- 11 Q. And seven and eight and nine are lower
- moneys than sixes. We both have that same
- 13 understanding, correct?
- 14 A. Correct.
- 15 Q. Were there other female maintenance
- analysts, when you became a maintenance analyst?
- 17 A. Yes.
- 18 Q. Were any of them ranked six, as sixes?
- 19 A. I believe so.
- 20 Q. When you met with Ms. Kloosterman, and
- 21 our records suggest that it was around December
- 15th, 2016, and that comports with your
- 23 recollection?
- 24 A. I believe so.

Page 174

- 1 A. I have never seen a maintenance analyst
- 2 under a six.
- 3 Q. You've never seen a maintenance analyst
- 4 under than a six?
- 5 A. Ranked lower than a six.
- 6 Q. Such as a seven?
- 7 A. I have not seen one.
- 8 Q. Do you know what all the maintenance
- 9 analyst --
- 10 A. I apologize. Can I take that back?
- 11 After I was removed from my position, the next
- maintenance analyst was ranked at a seven.
- 13 Q. And you were ranked as an eight?
- 14 A. Correct.
- 15 Q. Do you know the experience of the
- 16 maintenance analyst that came after you?
- 17 A. I don't really, no.
- 18 Q. Do you know what the pay of the
- 19 maintenance analyst was who came after you?
- 20 A. I don't know the exact number.
- 21 Q. Do you know if there were other female
- 22 maintenance analysts throughout Shell Corporation?
- 23 A. Yes, there were.
- 24 Q. Were they ranked lower than you, sixes

- 1 Q. And that's when she told you that Will
- 2 and Mr. Hoover had violated the codes of conduct,
- 3 correct?
- 4 A. Yes.
- 5 Q. Did you tell her, did you say anything
- 6 to her along the lines of, what about Mr. Forman,
- 7 Mr. Larson and Ms. Priest?
- 8 A. I asked her about Mr. Forman.
- **9** Q. What did she say about Mr. Forman?
- 10 A. That that was confidential.
- 11 Q. What did she say about Mr. Larson?
- 12 A. I don't think I specifically asked about
- 13 him, but I did I ask her about why my job grade
- 14 was so low.
- 15 Q. When you initially met with
- 16 Ms. Kloosterman to tell her about the
- 17 discrimination and the harassment, did you raise
- 18 to her at that time your job grading?
- 19 A. I'm sorry. Can You repeat that?
- 20 Q. Let's go back with the time frame again.
- 21 Take it from the top. You spoke to
- 22 Ms. Kloosterman, you believe, some time before
- 23 December 6th when you wrote her the emails of
- 24 Exhibits-1 and 2, correct?

	BARNES v. EXPLORATION AND PRODUCTION, et al.		JESSE BARNES August 2, 2019
	Page 177		Page 179
1 A. 2 6t	I think I spoke to her before December	1 2	
3 Q.	You sent her the emails on December 6th	3	
4 ar	nd December 7th, correct?	4	
5 A.	Yes.	5	MS. GURMANKIN: That should be
6 Q.	Then you met with her in person where	6	10. This is 9.
7 sh	e took notes and she went over your allegations	7	BY MR. TUCKER:
8 th	at are in Exhibit-1 and 2. Do you recall that?	8	Q. I've been referring to your EEOC
9 A.	Yes.	9	document as Exhibit-9, it actually should be
10 Q.	During the time when you met with her,	10	Exhibit-10.
11 W	nen she went over your allegations that are in	11	Turn to the front cover page of
12 Ex	chibit-1 and Exhibit-2, did you complain to her	12	that document. Do you see where it says, I
13 th	at you felt that your grading was discriminatory	13	declare under penalty of perjury that the
14 ar	nd because of your gender?	14	foregoing is true and accurate and you signed your
15 A.	Yes.	15	name?
16 Q.	Did you put it in writing?	16	A. Yes.
17 A.	I don't think I put it in writing when I	17	 Q. Did anyone help you prepare this
	id it to her, but I did for when I asked Will.	18	document?
	n sorry. I mean, in the document that I	19	A. My legal counsel.
20 pr	ovided her about Will.	20	. , . , . , . , ,
21 Q.	So I may have missed it. Please help	21	
	e. In Exhibit-1 and Exhibit-2, do you make	22	A. I did not meet with them. I mean, we
	mplaints about your job grade? I may have	23	•
24 M	issed it.	24	Q. Were they physically there when you
	Page 178		Page 180
1 A.	It says, my supervisor told me I was	1	completed this document?
2 int	ended to be a pay grade seven, but was told by	2	A. No.
3 m	y ON that I was pay eight with no explanation.	3	Q. But you had discussed it with your
4 Q.	That is you complaining to you that that	4	attorneys before you filed it with the EEOC?
5 W	as done because of your gender?	5	A. Yes.
6 A.	I expressed that in my interview with	6	Q. Help me in here see where you raised the
7 he	er or when I had a meeting with her.	7	issue of your grade.
8 Q.	What did she say in response when you	8	MR. TUCKER: Go off the record
	d her that?	9	and you can look at it.
10 A.	That she was going to look into it.	10	
11 Q.	I'm going to hand you Exhibit-9.	11	3
12		12	
13	(Whereupon, 2Barnes-10 was	13	
14	marked for identification and is	14	, ,
15	attached hereto.)	15	,
16		16	TUE MEDICAL DE TECHNIQUES ET

17

19

22

18 Q.

20 A.

21 Q.

23 A.

24 Q.

BY MR. TUCKER:

Yes.

the EEOC in April of 2017?

had you contacted a lawyer?

Yes. Yes, I remember.

Do you remember filing a complaint with

At the time that you filed the complaint

Again, I may be misreading this, but can

EEOC filing?

Yes.

record. BY MR. TUCKER:

THE VIDEOTAPE TECHNICIAN: The

time is now 3:19. Back on video the

Have you had a chance to look at your

17

18

19

20

22

21 Q.

23 A.

Page 181

- 1 maybe I missed it, could you show me in here where
- 2 you raised a pay issue?
- 3 A. In Section V on 853 document.
- 4 Q. On or about July 18th, 2016 during my
- 5 mid-year performance review?
- 6 A. Uh-huh.
- 7 Q. Turney told me that I, quote, make good
- 8 money for a woman, should not be upset with my pay
- 9 grade. I was the lowest paid maintenance analyst
- 10 and the only female maintenance analyst at
- 11 respondent's Wellsboro location. Despite my
- 12 repeated requests for an explanation for why I was
- the lowest paid maintenance analyst, I did not
- 14 receive an explanation. Is that your -- is that
- 15 you raising the issue when you were hired you were
- 16 given a low grade?
- 17 A. That was in my mid-year review.
- 18 Q. When did you raise it with anyone at
- 19 Shell? When you first started?
- 20 A. Well, isn't Will Turney a part of Shell?
- 21 Q. Did you raise it with him -- this is
- July 18th, 2016, you had already been working at
- 23 Shell, correct?
- 24 A. Right, right.

- 1 A. Women and men.
- 2 Q. Identify for me all of the people who
- 3 you knew and what locations they were at?
- 4 A. Stephen Ross, he was out of Texas, I
- 5 don't know which asset specifically. Callie
- 6 Larson.
- 7 Q. Female?
- 8 A. Correct. Was out of Canada. The lady
- 9 that trained me was in Pinedale, Wyoming and she
- 10 was a six, I believe.
- 11 Q. She was paid more than you?
- 12 A. Uh-huh, yes.
- 13 Q. Is it your position that the woman who
- 14 trained you, you and she should be getting paid
- 15 the same?
- 16 A. I'm sorry. Can you repeat that?
- 17 Q. Is it your position in this litigation
- that the woman who trained you should be paid the
- same time amount as you were paid?
- 20 A. I think she should get paid the amount
- 21 the job is set at.
- 22 Q. Should you have been paid the same
- 23 amount as the woman who trained you?
- 24 A. I believe so.

Page 182

- 1 Q. Is this the first time you raised it
- 2 with Mr. Turney?
- 3 A. I wouldn't say it's the first time that
- 4 I've said it. I was always questioning why I was
- 5 the lowest paid. I mean, not always, that's not
- 6 the term I wanted to use. But I had done it a
- 7 couple of times.
- 8 Q. You were just -- from your understanding
- 9 what you know you were the lowest paid across the
- 10 board, correct?
- 11 A. The lowest paid maintenance analyst out
- of the maintenance analysts that I knew.
- 13 Q. How many did you know?
- 14 A. I knew three to four.
- 15 Q. Any of them women?
- 16 A. Yes.
- 17 Q. And they were paid more than you?
- 18 A. To my knowledge.
- 19 Q. Some of them were paid more than men,
- 20 too, correct?
- 21 A. I don't know that.
- 22 Q. Did you know the exact pay amount -- of
- the three or four people that you knew, were they
- 24 men or were they women?

- 1 Q. Anyone else that you can think of who is
- 2 a maintenance analyst? You identified two females
- 3 and one male who were paid more than you?
- 4 A. I know there's more, I just can't think
- 5 of their names right now.
- 6 Q. Both men and women who were paid more
- 7 than you?
- 8 A. I believe so.
- 9 Q. To your understanding, every maintenance
- 10 analyst was a six?
- 11 A. A six or higher.
- 12 Q. Or an a seven?
- 13 A. A five.
- 14 Q. Were any women fives?
- 15 A. I don't know that. I do believe that
- 16 Steven Ross was a five.
- 17 Q. Were any maintenance analysts a seven?
- 18 A. Just the one after me.
- 19 Q. She was female or a male?
- 20 A. Female.
- 21 Q. The meeting with Ms. Kloosterman
- 22 happened around December 15, 2016, correct? This
- 23 is just we've established that, correct?
- 24 A. I believe so.

Page 188

Page 185

- 1 Q. What harassing conduct happened to you
- 2 after December 15th, 2016?
- 3 A. I was -- harassing?
- 4 Q. Who harassed you after December 15th,
- 5 2016? Let's identify the persons first.
- 6 A. I was waiting. I didn't know if I
- 7 needed to stop.
- 8 Harassing, I was taken out of my
- 9 role put and into a different question.
- 10 Q. That's a different question. I said
- 11 identify the people.
- 12 A. People?
- 13 Q. Who harassed after December 15th, 2016?
- 14 A. I was subjected to still working with
- the people that harassed me.
- 16 Q. Did any of them say -- we have gone over
- 17 the 2019 stuff that the people did to you. You
- 18 recall that earlier, we went over that?
- 19 A. Yes.
- 20 Q. So now we're dealing with principally
- 21 2018 because from December 16th, 2017 there may be
- 22 like two weeks. Did any harassing conduct happen
- to you from the day you met with Ms. Kloosterman
- to the end of 2017? Those approximately 14 days.

- 1 but then I was on vacation during the holidays.
- 2 Q. Then in 2017 -- let's deal with the year
- 3 2017, okay? What harassing conduct occurred
- 4 during the year of 2017?
- 5 A. Harassing conduct, I was told by
- 6 co-workers that they had heard about me and they
- 7 didn't want -- I'm not sure if that was 2017 or
- 8 '18.
- 9 Q. What co-workers?
- 10 A. An operator.
- 11 Q. What's his name?
- 12 A. Ray Random.
- 13 Q. Say that again?
- 14 A. Ray Ransom.
- 15 Q. What did Mr. Ransom say to you?
- 16 A. He said he heard about me.
- 17 Q. What did he say he heard?
- 18 A. He was alluding to my HR complaint.
- 19 Q. What did he say he heard? What did he
- 20 tell you as opposed to what you surmised?
- 21 A. I was out on-site and he was on-site.
- 22 And I said oh, they sent me here to help you,
- jokingly, because I don't know what -- I wouldn't
- 24 be able to do an operator's job. And he said --

- 1 MS. GURMANKIN: You're saying
- 2 2016 to 2017.
- 3 BY MR. TUCKER:
- 4 Q. Let's try this one more time. You met
- 5 with Ms. Kloosterman December 15th, 2016, correct?
- 6 A. Yes, as far as I remember.
- 7 Q. Did any harassing conduct occur from
- 8 2016 -- from December 15th, 2016, until the end of
- 9 the year?
- 10 A. Well, I worked from home a lot. And I
- 11 was still under supervision of Will Turney until
- 12 the first.
- 13 Q. Anything else? That's until January 1,
- 14 2017 you were still under the supervision of Will
- 15 Turney?
- 16 A. That's true.
- You worked from home a lot those last
- 18 couple of weeks. Why were you working from home?
- 19 A. Because Megan told me that if I didn't
- 20 feel comfortable, I didn't have to come to work or
- 21 I could work from home.
- 22 Q. Was this -- how long did you continue to
- 23 work from home?
- 24 A. I think I worked from home a week or so,

- 1 Q. Did he say to you -- did he say, you
- 2 didn't know how to do an operator's job?
- 3 A. No, no, I'm saying, I was in a joking
- 4 manner to him saying, they sent me here to help
- 5 you with what he was working on.
- 6 Q. What did he say in response? You made a
- 7 joke to him, and what did he say in response?
- 8 A. He said that he hadn't seen me out here
- 9 before to that site and --
- 10 Q. What else did he say?
- 11 A. I can't remember the context of it,
- 12 right this -- what he said this second. But I
- 13 reported it to HR.
- 14 Q. What did he say to you? I'm still
- 15 trying to get what he said to you.
- 16 A. He said he heard about me. There's an
- 17 email that I sent of the exacts word that he said
- 18 to me, I sent that to HR.
- 19 Q. What did you say in return to him saying
- 20 that?
- 21 A. I didn't reply to that. I just
- 22 continued to work.
- 23 Q. You said you were told by co-workers.
- 24 What other co-worker other than Ray?

SH	ELL EXPLORATION AND PRODUCTION, et al.		August 2, 2019
	Page 189		Page 191
1	A. I had co-workers warn me if Will was in	1	ı A. Yes.
2	a certain area.		2 Q. Who else? Was it pretty much everyone
3	Q. What co-workers warned you if Will was	3	
4	in a certain area?		4 A. No.
5	A. Eric Pagano and Brad Pagano.	5	5 Q. Okay. Well, who else?
6	Q. How did they know there was any issue		A. I can't think of anybody else right now.
7	with you and Mr. Turney? Did you tell them?		7 Q. Did you tell each of these individuals
8	A. Everyone knew that there was an issue.	8	
9	Q. I didn't ask you if everyone knew. Did	9	A. Yes.
10	you tell them?	10	Q. Let's deal with 2017. What conduct did
11	A. People would come to me and ask me	11	Mr. Turney direct towards you that you felt was
12	MS. GURMANKIN: Did you tell	12	
13	those guys is the question.	13	з A. In 2017?
14	THE WITNESS: Not everything,	14	4 Q. Yes.
15	but they knew I told them there was	15	5 A. I don't have an example right now.
16	an issue with Will.	16	Q. What about Mr. Hoover, any action by him
17	BY MR. TUCKER:	17	
18	Q. You told them there was an issue with	18	A. I don't have any examples right now.
19	you and Will, correct?	19	Q. What about Mr. Forman in 2017?
20	A. Correct.	20	A. Other than the comments that we already
21	Q. Who else did you tell that there was an	21	went over about looking like a fisherman.
22	issue with you and Will?	22	Q. That was actually in 2019, correct?
23	A. Anybody that I complained to about the	23	A. It was any time I had my or not every
24	things that he was doing to me.	24	time, but times that I was in my winter clothes
	Page 190		Page 192
1		1	
1 2	Q. I'm talking after Ms. Kloosterman	_	ı for work.
		_	for work. Q. What about Ms. Larson, any comments
2	Q. I'm talking after Ms. Kloosterman meeting in December 15th, 2016, who else did you	2	for work. Q. What about Ms. Larson, any comments about him or actions by him in 2017?
2 3 4	Q. I'm talking after Ms. Kloosterman meeting in December 15th, 2016, who else did you tell about your issues with Will? Was it after	2	for work. Q. What about Ms. Larson, any comments about him or actions by him in 2017? MS. GURMANKIN: That were
2 3 4	Q. I'm talking after Ms. Kloosterman meeting in December 15th, 2016, who else did you tell about your issues with Will? Was it after that you told Eric and his brother?	2 3 4	for work. Q. What about Ms. Larson, any comments about him or actions by him in 2017? MS. GURMANKIN: That were sexually harassing?
2 3 4 5 6	 Q. I'm talking after Ms. Kloosterman meeting in December 15th, 2016, who else did you tell about your issues with Will? Was it after that you told Eric and his brother? A. No. 	2 3 4 5 6	for work. Q. What about Ms. Larson, any comments about him or actions by him in 2017? MS. GURMANKIN: That were sexually harassing?
2 3 4 5 6	 Q. I'm talking after Ms. Kloosterman meeting in December 15th, 2016, who else did you tell about your issues with Will? Was it after that you told Eric and his brother? A. No. Q. You told them before? 	2 3 4 5 6 7	for work. Q. What about Ms. Larson, any comments about him or actions by him in 2017? MS. GURMANKIN: That were sexually harassing? BY MR. TUCKER:
2 3 4 5 6 7	 Q. I'm talking after Ms. Kloosterman meeting in December 15th, 2016, who else did you tell about your issues with Will? Was it after that you told Eric and his brother? A. No. Q. You told them before? A. Yeah. 	2 3 4 5 6 7	for work. Q. What about Ms. Larson, any comments about him or actions by him in 2017? MS. GURMANKIN: That were sexually harassing? BY MR. TUCKER: Q. Yes. Thank you. A. Not that I can remember right now.
2 3 4 5 6 7 8	 Q. I'm talking after Ms. Kloosterman meeting in December 15th, 2016, who else did you tell about your issues with Will? Was it after that you told Eric and his brother? A. No. Q. You told them before? A. Yeah. Q. Who else did you tell? 	2 3 4 5 6 7 8	for work. Q. What about Ms. Larson, any comments about him or actions by him in 2017? MS. GURMANKIN: That were sexually harassing? BY MR. TUCKER: Q. Yes. Thank you. A. Not that I can remember right now.
2 3 4 5 6 7 8 9	 Q. I'm talking after Ms. Kloosterman meeting in December 15th, 2016, who else did you tell about your issues with Will? Was it after that you told Eric and his brother? A. No. Q. You told them before? A. Yeah. Q. Who else did you tell? A. I would vent to Wayne Fletcher, Tina. 	2 3 4 5 6 7 8 9	for work. Q. What about Ms. Larson, any comments about him or actions by him in 2017? MS. GURMANKIN: That were sexually harassing? BY MR. TUCKER: Q. Yes. Thank you. A. Not that I can remember right now. Q. What about Ms. Priest?
2 3 4 5 6 7 8 9	 Q. I'm talking after Ms. Kloosterman meeting in December 15th, 2016, who else did you tell about your issues with Will? Was it after that you told Eric and his brother? A. No. Q. You told them before? A. Yeah. Q. Who else did you tell? A. I would vent to Wayne Fletcher, Tina. Q. Was this before or after? 	2 3 4 5 6 7 8 9 10	for work. Q. What about Ms. Larson, any comments about him or actions by him in 2017? MS. GURMANKIN: That were sexually harassing? BY MR. TUCKER: Q. Yes. Thank you. A. Not that I can remember right now. Q. What about Ms. Priest? A. Not sexually harassing comments.
2 3 4 5 6 7 8 9 10 11	 Q. I'm talking after Ms. Kloosterman meeting in December 15th, 2016, who else did you tell about your issues with Will? Was it after that you told Eric and his brother? A. No. Q. You told them before? A. Yeah. Q. Who else did you tell? A. I would vent to Wayne Fletcher, Tina. Q. Was this before or after? A. Before. 	2 3 4 5 6 7 8 9 10 11	for work. Q. What about Ms. Larson, any comments about him or actions by him in 2017? MS. GURMANKIN: That were sexually harassing? BY MR. TUCKER: Q. Yes. Thank you. A. Not that I can remember right now. Q. What about Ms. Priest? A. Not sexually harassing comments. Q. Did anyone sexually harass you in 2018?
2 3 4 5 6 7 8 9 10 11	 Q. I'm talking after Ms. Kloosterman meeting in December 15th, 2016, who else did you tell about your issues with Will? Was it after that you told Eric and his brother? A. No. Q. You told them before? A. Yeah. Q. Who else did you tell? A. I would vent to Wayne Fletcher, Tina. Q. Was this before or after? A. Before. Q. Who else? 	2 3 4 5 6 7 8 9 10 11	for work. Q. What about Ms. Larson, any comments about him or actions by him in 2017? MS. GURMANKIN: That were sexually harassing? BY MR. TUCKER: Q. Yes. Thank you. A. Not that I can remember right now. Q. What about Ms. Priest? A. Not sexually harassing comments. Q. Did anyone sexually harass you in 2018? A. Not that I recall. Q. We've gone over the sexually harassing
2 3 4 5 6 7 8 9 10 11 12 13	 Q. I'm talking after Ms. Kloosterman meeting in December 15th, 2016, who else did you tell about your issues with Will? Was it after that you told Eric and his brother? A. No. Q. You told them before? A. Yeah. Q. Who else did you tell? A. I would vent to Wayne Fletcher, Tina. Q. Was this before or after? A. Before. Q. Who else? A. Tina King. 	2 3 4 5 6 7 8 9 10 11 12 13 14	for work. Q. What about Ms. Larson, any comments about him or actions by him in 2017? MS. GURMANKIN: That were sexually harassing? BY MR. TUCKER: Q. Yes. Thank you. A. Not that I can remember right now. Q. What about Ms. Priest? A. Not sexually harassing comments. Q. Did anyone sexually harass you in 2018? A. Not that I recall. Q. We've gone over the sexually harassing
2 3 4 5 6 7 8 9 10 11 12 13	 Q. I'm talking after Ms. Kloosterman meeting in December 15th, 2016, who else did you tell about your issues with Will? Was it after that you told Eric and his brother? A. No. Q. You told them before? A. Yeah. Q. Who else did you tell? A. I would vent to Wayne Fletcher, Tina. Q. Was this before or after? A. Before. Q. Who else? A. Tina King. Q. Before or after your meeting with 	2 3 4 5 6 7 8 9 10 11 12 13 14 15	for work. Q. What about Ms. Larson, any comments about him or actions by him in 2017? MS. GURMANKIN: That were sexually harassing? BY MR. TUCKER: Q. Yes. Thank you. A. Not that I can remember right now. Q. What about Ms. Priest? A. Not sexually harassing comments. Q. Did anyone sexually harass you in 2018? A. Not that I recall. Q. We've gone over the sexually harassing conduct that happened in 2019 already, correct?
2 3 4 5 6 7 8 9 10 11 12 13 14	 Q. I'm talking after Ms. Kloosterman meeting in December 15th, 2016, who else did you tell about your issues with Will? Was it after that you told Eric and his brother? A. No. Q. You told them before? A. Yeah. Q. Who else did you tell? A. I would vent to Wayne Fletcher, Tina. Q. Was this before or after? A. Before. Q. Who else? A. Tina King. Q. Before or after your meeting with Ms. Kloosterman? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15	for work. Q. What about Ms. Larson, any comments about him or actions by him in 2017? MS. GURMANKIN: That were sexually harassing? BY MR. TUCKER: Q. Yes. Thank you. A. Not that I can remember right now. Q. What about Ms. Priest? A. Not sexually harassing comments. Q. Did anyone sexually harass you in 2018? A. Not that I recall. Q. We've gone over the sexually harassing conduct that happened in 2019 already, correct? A. We went over. Q. Now, let's deal with retaliation. Is it
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 Q. I'm talking after Ms. Kloosterman meeting in December 15th, 2016, who else did you tell about your issues with Will? Was it after that you told Eric and his brother? A. No. Q. You told them before? A. Yeah. Q. Who else did you tell? A. I would vent to Wayne Fletcher, Tina. Q. Was this before or after? A. Before. Q. Who else? A. Tina King. Q. Before or after your meeting with Ms. Kloosterman? A. Both. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	for work. Q. What about Ms. Larson, any comments about him or actions by him in 2017? MS. GURMANKIN: That were sexually harassing? BY MR. TUCKER: Q. Yes. Thank you. A. Not that I can remember right now. Q. What about Ms. Priest? A. Not sexually harassing comments. Q. Did anyone sexually harass you in 2018? A. Not that I recall. Q. We've gone over the sexually harassing conduct that happened in 2019 already, correct? A. We went over. Q. Now, let's deal with retaliation. Is it your position in this litigation that Shell
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	 Q. I'm talking after Ms. Kloosterman meeting in December 15th, 2016, who else did you tell about your issues with Will? Was it after that you told Eric and his brother? A. No. Q. You told them before? A. Yeah. Q. Who else did you tell? A. I would vent to Wayne Fletcher, Tina. Q. Was this before or after? A. Before. Q. Who else? A. Tina King. Q. Before or after your meeting with Ms. Kloosterman? A. Both. Q. Who else? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	for work. Q. What about Ms. Larson, any comments about him or actions by him in 2017? MS. GURMANKIN: That were sexually harassing? BY MR. TUCKER: Q. Yes. Thank you. A. Not that I can remember right now. Q. What about Ms. Priest? A. Not sexually harassing comments. Q. Did anyone sexually harass you in 2018? A. Not that I recall. Q. We've gone over the sexually harassing conduct that happened in 2019 already, correct? A. We went over. Q. Now, let's deal with retaliation. Is it your position in this litigation that Shell retaliated against you when you were given the new
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 Q. I'm talking after Ms. Kloosterman meeting in December 15th, 2016, who else did you tell about your issues with Will? Was it after that you told Eric and his brother? A. No. Q. You told them before? A. Yeah. Q. Who else did you tell? A. I would vent to Wayne Fletcher, Tina. Q. Was this before or after? A. Before. Q. Who else? A. Tina King. Q. Before or after your meeting with Ms. Kloosterman? A. Both. Q. Who else? A. Penny Robbins. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	for work. Q. What about Ms. Larson, any comments about him or actions by him in 2017? MS. GURMANKIN: That were sexually harassing? BY MR. TUCKER: Q. Yes. Thank you. A. Not that I can remember right now. Q. What about Ms. Priest? A. Not sexually harassing comments. Q. Did anyone sexually harass you in 2018? A. Not that I recall. Q. We've gone over the sexually harassing conduct that happened in 2019 already, correct? A. We went over. Q. Now, let's deal with retaliation. Is it your position in this litigation that Shell retaliated against you when you were given the new
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. I'm talking after Ms. Kloosterman meeting in December 15th, 2016, who else did you tell about your issues with Will? Was it after that you told Eric and his brother? A. No. Q. You told them before? A. Yeah. Q. Who else did you tell? A. I would vent to Wayne Fletcher, Tina. Q. Was this before or after? A. Before. Q. Who else? A. Tina King. Q. Before or after your meeting with Ms. Kloosterman? A. Both. Q. Who else? A. Penny Robbins. Q. Before and after your meeting with Ms. Kloosterman? A. Right. Q. Who else? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	for work. Q. What about Ms. Larson, any comments about him or actions by him in 2017? MS. GURMANKIN: That were sexually harassing? BY MR. TUCKER: Q. Yes. Thank you. A. Not that I can remember right now. Q. What about Ms. Priest? A. Not sexually harassing comments. Q. Did anyone sexually harass you in 2018? A. Not that I recall. Q. We've gone over the sexually harassing conduct that happened in 2019 already, correct? A. We went over. Q. Now, let's deal with retaliation. Is it your position in this litigation that Shell retaliated against you when you were given the new position? A. They retaliated against me by demoting me, yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 Q. I'm talking after Ms. Kloosterman meeting in December 15th, 2016, who else did you tell about your issues with Will? Was it after that you told Eric and his brother? A. No. Q. You told them before? A. Yeah. Q. Who else did you tell? A. I would vent to Wayne Fletcher, Tina. Q. Was this before or after? A. Before. Q. Who else? A. Tina King. Q. Before or after your meeting with Ms. Kloosterman? A. Both. Q. Who else? A. Penny Robbins. Q. Before and after your meeting with Ms. Kloosterman? A. Right. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	for work. Q. What about Ms. Larson, any comments about him or actions by him in 2017? MS. GURMANKIN: That were sexually harassing? BY MR. TUCKER: Q. Yes. Thank you. A. Not that I can remember right now. Q. What about Ms. Priest? A. Not sexually harassing comments. Q. Did anyone sexually harass you in 2018? A. Not that I recall. Q. We've gone over the sexually harassing conduct that happened in 2019 already, correct? A. We went over. Q. Now, let's deal with retaliation. Is it your position in this litigation that Shell retaliated against you when you were given the new position? A. They retaliated against me by demoting me, yes. MR. TUCKER: I have an emergency

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n that urney nave.
re n that urney nave.
n that urney nave.

on vacation during that last part of 2016,

I did tell you about that, yes.

You believe -- you contend in this

point, just let me make sure I'm absolutely clear

with this. The mere fact that you had to continue

you, you felt was retaliation?

Yes.

to work with people who you believed had harassed

20

21

22 A.

23 Q.

correct?

20

21

22

23 y24 A.

SH	ELL EXPLORATION AND PRODUCTION, et al.	August 2, 201
	Page 197	Page 199
1	Q. Do you feel that each of these	1 that?
2	individuals who you contend harassed you should	2 A. I was presented with three roles that
3	have been fired?	3 Q. Three roles?
4	A. Yes.	4 A. Yeah.
5	Q. Because Shell did not fire these people	5 Q. By whom?
6	who you contend harassed you, that was an act of	6 A. Megan and Gregg Larson.
7	retaliation?	7 Q. When was this presentation made? During
8	A. I believe so.	8 that December 15th meeting or after it?
9	Q. They should have fired Mr. Turney, Will	 A. I believe it was after. I'm sorry.
10	Turney?	10 Greg and I met alone without Megan at one point
11	A. Yes.	and he gave me the or told me these were the
12	Q. They should have fired Mr. Hoover?	12 roles that were available, and that he needed me
13	A. Yes.	to choose one quick. And he suggested me to take
14	Q. They should have fired Mr. Forman?	14 the backup control operator position.
15	A. Yes.	15 Q. Did you take that position?
16	Q. They should have fired Mr. Larson?	16 A. No.
17	A. I think so.	17 Q. Why not?
18	Q. They should have fired Ms. Priest?	18 A. I expressed that I did not like the
19	A. Yes.	19 backup of the role. That I was not an equal
20	Q. Their failure to fire these five people	20 control room operator, that I would just be the
21	because of your allegations constituted	21 backup, so I thought it would be easier for them
22	retaliatory conduct by Shell?	22 to get rid of me.
23	A. Yes, because they're policy states there	23 Q. Did you tell Ms. Kloosterman or Greg
24	is zero tolerance.	24 that you never wanted to work with these people

Page 198

1 Q. Their failure to fire these five people, 2 did that constitute retaliation by Shell? 3 A. I feel like that constitutes that they were tolerant towards it. The failure of Shell to fire these five 5 Q. 6 people, did you consider that act retaliatory by Shell? 7 MS. GURMANKIN: It was already 8 asked and answered. You can answer 9

10 again.
11 THE WITNESS: Yes.

12 BY MR. TUCKER:

13 Q. Is there anything else that you believe

that Shell should have done to any of these

individuals short of firing them? Or you believe

16 firing was the only acceptable result?

17 A. I don't know if there's any other

18 possibility outcomes that I can think of that

19 would be acceptable.

20 Q. To you?21 A. Right.

22 Q. When you got this position, this health

safety position, tell me how that came about.

Tell me the discussions, if any, that lead up to

1 again? Will, Hoover, Forman and Larson?

2 A. I told them I did not want to work with

3 Will ever again.

4 Q. What about as it relates to Mr. Hoover?

5 A. I don't know if I said that or not.

6 Q. Do you recall Ms. Kloosterman calling

7 about options?

8 A. Yes.

Q. Tell me about that.

10 A. I chose to stay in the maintenance

11 analyst role.

12 Q. What options did Ms. Kloosterman present

13 to you?

14 A. They gave me the options of backup

15 control operator, environmental technician, and I

don't know if there is title with the other one

but it was using the flare camera.

18 Q. You indicated earlier that you actually

19 applied for a position in California?

20 A. Yes.

21 Q. Were you willing to go to California?

22 A. Yes.

23 Q. Why?

24 A. To get away from the situation.

ЭП	ELL EXPLORATION AND PRODUCTION, et al.	1	August 2, 2019
	Page 201		Page 203
1	Q. Did Ms. Kloosterman offer you a position	1	didn't ask me if I was interested in transferring
2	at a different site?	2	
3	A. No.	3	
	Q. There is a text exchange between you and	4	
5	your sister which is at Barnes 778. This is a		Q. Because your position was they should
6	two-sided document.	6	transfer Mr. Turney, correct?
7	MR. TUCKER: I guess, Counsel,		A. They should have, yes.
8	we're fighting over the redacted portion		Q. Did you tell them that you wanted to be
9	here?	9	transferred out from Mr. Turney if they would not
10	MS. GURMANKIN: I don't know,	10	fire him?
11	are you?		A. I said I did not want to work with Will
	MS. KIRKPATRICK: I asked for a		
12		12	
13	privilege log.		Q. You said you would not work with him,
14	MS. GURMANKIN: Right. You	14	,
15	emailed on Wednesday with certain issues		A. I believe so.
16	with the documents that you've had since	16	MR. TUCKER: I may be close to
17	June 17th. I said on Wednesday, we'll	17	finishing. Can with we take a break?
18	get you a privilege log.	18	THE VIDEOTAPE TECHNICIAN: The
19	MS. KIRKPATRICK: I thought you	19	time is now 3:56. Going off the video
20	said that	20	record.
21	MS. GURMANKIN: I'll get you a	21	
22	log regarding the redactions that we	22	(Whereupon, a brief recess was
23	made because it's irrelevant or	23	held.)
24	non-responsive.	24	
	Page 202		Page 204
1	MS. KIRKPATRICK: So you are	1	THE VIDEOTAPE TECHNICIAN: The
2	getting me log for this?	2	
3	MS. GURMANKIN: I said that in	3	
4	my email on Wednesday.	4	
5	MS. KIRKPATRICK: I thought you	5	Q. Ms. Barnes, at some point you did find
6	said it was irrelevant or technical	6	out that there was some type of disciplinary
7	information from your tech company.	7	action taken against Will, correct? Mr. Turney,
8	MS. GURMANKIN: No, I said the	8	correct?
9	beginning of each text exchange		A. I heard rumors that there was.
10	MR. TUCKER: I'm sorry.		Q. As a matter of fact, you say in a text
11	didn't mean for the deposition to	11	to your sister, and I'm quoting, Oh, I found out
12	digress into this. Can I interrupt so	12	to your sister, and firm quoting, On, Fround out today Will's bonus was taken away, which was about
1 1 2	aigicos into tins. Carrintellupt so	12	· · · · · · · · · · · · · · · · · · ·
	we can do the denocition? I'm corry	12	
13	we can do the deposition? I'm sorry.	13	\$15,000. And he had to sign a form that he
13 14	MS. GURMANKIN: Sure.	14	pleaded guilty that goes in his personnel file for
13 14 15	MS. GURMANKIN: Sure. BY MR. TUCKER:	14 15	pleaded guilty that goes in his personnel file for 18 months. And has to take classes on ethics and
13 14 15 16	MS. GURMANKIN: Sure. BY MR. TUCKER: Q. Do you see where it starts at, she	14 15 16	pleaded guilty that goes in his personnel file for 18 months. And has to take classes on ethics and code of conduct. Do you recall writing that to
13 14 15 16 17	MS. GURMANKIN: Sure. BY MR. TUCKER: Q. Do you see where it starts at, she called me and was asking about options on 778?	14 15 16 17	pleaded guilty that goes in his personnel file for 18 months. And has to take classes on ethics and code of conduct. Do you recall writing that to your sister?
13 14 15 16 17 18	MS. GURMANKIN: Sure. BY MR. TUCKER: Q. Do you see where it starts at, she called me and was asking about options on 778? A. Yes.	14 15 16 17 18	pleaded guilty that goes in his personnel file for 18 months. And has to take classes on ethics and code of conduct. Do you recall writing that to your sister? A. Yes.
13 14 15 16 17 18	MS. GURMANKIN: Sure. BY MR. TUCKER: Q. Do you see where it starts at, she called me and was asking about options on 778? A. Yes. Q. Top of 778?	14 15 16 17 18	pleaded guilty that goes in his personnel file for 18 months. And has to take classes on ethics and code of conduct. Do you recall writing that to your sister? A. Yes. Q. Who did you find that information out
13 14 15 16 17 18 19 20	MS. GURMANKIN: Sure. BY MR. TUCKER: Q. Do you see where it starts at, she called me and was asking about options on 778? A. Yes. Q. Top of 778? A. Yes.	14 15 16 17 18 19	pleaded guilty that goes in his personnel file for 18 months. And has to take classes on ethics and code of conduct. Do you recall writing that to your sister? A. Yes. Q. Who did you find that information out from?
13 14 15 16 17 18 19 20 21	MS. GURMANKIN: Sure. BY MR. TUCKER: Q. Do you see where it starts at, she called me and was asking about options on 778? A. Yes. Q. Top of 778? A. Yes. Q. Who are you referring to?	14 15 16 17 18 19 20 21	pleaded guilty that goes in his personnel file for 18 months. And has to take classes on ethics and code of conduct. Do you recall writing that to your sister? A. Yes. Q. Who did you find that information out from? A. Wayne Fletcher.
13 14 15 16 17 18 19 20 21 22	MS. GURMANKIN: Sure. BY MR. TUCKER: Q. Do you see where it starts at, she called me and was asking about options on 778? A. Yes. Q. Top of 778? A. Yes. Q. Who are you referring to? A. Megan Kloosterman.	14 15 16 17 18 19 20 21 22	pleaded guilty that goes in his personnel file for 18 months. And has to take classes on ethics and code of conduct. Do you recall writing that to your sister? A. Yes. Q. Who did you find that information out from? A. Wayne Fletcher. Q. When did Mr. Fletcher tell you that?
13 14 15 16 17 18 19 20 21 22 23	MS. GURMANKIN: Sure. BY MR. TUCKER: Q. Do you see where it starts at, she called me and was asking about options on 778? A. Yes. Q. Top of 778? A. Yes. Q. Who are you referring to? A. Megan Kloosterman. Q. And what options did she present to you?	14 15 16 17 18 19 20 21 22	pleaded guilty that goes in his personnel file for 18 months. And has to take classes on ethics and code of conduct. Do you recall writing that to your sister? A. Yes. Q. Who did you find that information out from? A. Wayne Fletcher. Q. When did Mr. Fletcher tell you that? A. After Megan's departure, he heard it
13 14 15 16 17 18 19 20 21 22	MS. GURMANKIN: Sure. BY MR. TUCKER: Q. Do you see where it starts at, she called me and was asking about options on 778? A. Yes. Q. Top of 778? A. Yes. Q. Who are you referring to? A. Megan Kloosterman. Q. And what options did she present to you?	14 15 16 17 18 19 20 21 22	pleaded guilty that goes in his personnel file for 18 months. And has to take classes on ethics and code of conduct. Do you recall writing that to your sister? A. Yes. Q. Who did you find that information out from? A. Wayne Fletcher. Q. When did Mr. Fletcher tell you that? A. After Megan's departure, he heard it

	SSE BARNES v. HELL EXPLORATION AND PRODUCTION, et al.					ESSE BARNES August 2, 2019
		ige 205				Page 207
1	Q. And you were evil laughing about that?	1	1	Q. \	Where did you get that impressi	ion from?
2		2	2		worked with more competent p	
3		3	3		Before you were employed at S	•
4	. Lattle de mente e More e e l'Harde'	ng 4	4		ever an employee of Shell until	•
5	6	_	5		g with Mr. Turney, correct?	
6	A. Evil laughing. I wouldn't use the term	6	6		Shell staff employee, that's co	rrect.
7	v evil.	7	7	Q. A	And before that you were a wait	ress
8	Q. Well, let me show you what you put on	8	В	barten	der correct? Other than being a	a contractor
9	Barnes 787 and ask if you used the term evil?	9	9	you we	ere a waitress bartender, correc	t?
10	A. Yes, I did.	10	0	A. F	Right.	
11	Q. Did you feel good about this having	11	1	Q. S	So you had never been an emp	loyee of
12	happened to him?	12	2	Shell p	rior to Mr. Turney hiring you, co	orrect?
13	A. I felt it wasn't enough.	13	3	A. N	lot a direct higher, no, I was a	
14	Q. Because enough would have for him to be	e 14	4	contrac	ctor.	
15	fired, correct?	15	5	Q. `	ou were not an employee of S	hell until
16	5 A. Yes.	16	6	Mr. Tu	rney hired you, correct?	
17	Q. Along with Mr. Hoover being fired,	17	7	Α. Ο	Correct.	
18	s correct?	18	8	Q. 5	So you had never been supervi	sed by a
19	A. Yes.	19	9	Shell e	mployee as employee to Mr. To	urney hired
20	Q. And Mr. Forman being fired, correct?	20	0	you, co	orrect?	
21	A. Yes.	21	1		MS. GURMANKIN: Objection	on to
22	Q. And Mr. Larson being fired also,	22	2	f	orm.	
23	s correct?	23	3		THE WITNESS: I was supe	ervised
24	A. Yes.	24	4	ŀ	by Shell employee as a contrac	tor, but
	Pa	ige 206				Page 208
1	Q. And Ms. Priest being fired, correct?		1	r	not as a Shell	
2			2		. TUCKER:	
3		3	3		The first time as a Shell employ	ee vou
4		4	4		upervised was by a Shell emplo	•
5			5		Correct.	
6					But yet you sit here suggesting	to us
7			7		u know what proper supervision	
8	6.1	8	В		the first time you were supervi	
9	MS. GURMANKIN: Objection to	9	9	-	mployee was by Mr. Turney?	-
10		10	0		MS. GURMANKIN: Objection	on to
	THE MITNESS: Who would have re				o rm	

THE WITNESS: Who would have ran 11 12 the department? MR. TUCKER: Yes. 13 MS. GURMANKIN: Same objection. BY MR. TUCKER: 15 Who would have run the department if 16 Q. your wishes would have been granted? 17 MS. GURMANKIN: Objection to 18 form. 19

> THE WITNESS: I would think the people that -- there's more competent

people within the company that they

form. 11 12 THE WITNESS: I had Shell supervisors in the past. 13 BY MR. TUCKER: 14 15 Q. How long had Mr. Hoover been working at Shell? 16 17 A. A long time. 18 Q. And you knew more than him? 19 A. I'm not saying I knew more than him. 20 Q. About 20 years he had been working 21 there, correct? 22 A. I believe so.

What did Mr. Hoover do to you again?

He called me a bitch.

could hire.

BY MR. TUCKER:

20

21 22

23

23 Q.

24 A.

SHELL EXPLORATION AND PRODUCTION, et al.	August 2, 2019
Page 209	Page 211
1 Q. Anything else?	1 A. Not that I'm aware of at this time.
2 A. He said I wasn't smart enough to do a	2 Q. What about Will, any allegations of
3 tasks, commented on my blond hair.	3 sexual harassment and discrimination against him?
4 Q. Anything else?	4 A. I'm not sure.
5 A. There's details in my	5 Q. Mr. Hoover same thing?
6 Q. No, I need you to testify to it. I need	6 A. I'm not sure.
7 you to tell this jury what he did to you.	7 Q. From having been an employee from
8 A. That's all I can think of right now. He	8 when did you start? 2015?
9 called me a bitch at work, he belittled me in	9 A. Yes.
10 front of my co-workers by saying I wasn't smart	10 Q. From what you've indicated, the
enough to do something because I had blond hair.	11 harassment started sometime in 2016, and stopped
12 Q. Anything else?	12 at the time of Ms. Kloosterman's investigation?
13 A. Not that I can think of at the moment.	13 MS. GURMANKIN: Objection to
14 Q. Not a single thing did he do, again,	14 form.
15 afterwards other than what you've told us right?	15 THE WITNESS: It started in
16 A. Right, he went into I think he	16 2014.
17 retired at some point during that.	17 BY MR. TUCKER:
18 Q. Do you know if Ms. Priest has a family?	18 Q. Yes, with the two, with the two
19 A. I believe she does.	incidents that you talked about with Mr. Turney,
20 Q. Do you know if she has kids?	20 correct?
21 A. I believe she does.	21 A. Yes.
22 Q. You think she should have been fired	MR. TUCKER: Let's go off the
because she, in your mind, helped assist in your	23 record.
24 grading?	24 THE VIDEOTAPE TECHNICIAN: The
Dog 210	Dana 242
Page 210	Page 212
1 A. She broke the law, I believe, so if that	time is now 4:14. Off the video record.
A. She broke the law, I believe, so if that	time is now 4:14. Off the video record.
1 A. She broke the law, I believe, so if that2 constitutes firing, then yes.	time is now 4:14. Off the video record.
 1 A. She broke the law, I believe, so if that 2 constitutes firing, then yes. 3 Q. Who says she's broke the law, you did? 	time is now 4:14. Off the video record. (Whereupon, a brief recess was
 A. She broke the law, I believe, so if that constitutes firing, then yes. Q. Who says she's broke the law, you did? A. Yes. 	time is now 4:14. Off the video record. (Whereupon, a brief recess was held.)
 1 A. She broke the law, I believe, so if that 2 constitutes firing, then yes. 3 Q. Who says she's broke the law, you did? 4 A. Yes. 5 Q. And you get to decide the law? 	time is now 4:14. Off the video record. (Whereupon, a brief recess was held.)
 A. She broke the law, I believe, so if that constitutes firing, then yes. Q. Who says she's broke the law, you did? A. Yes. Q. And you get to decide the law? A. I didn't write the law. 	time is now 4:14. Off the video record. (Whereupon, a brief recess was held.) THE VIDEOTAPE TECHNICIAN: The
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SH	ELL EXPLORATION AND PRODUCTION, et al.		August 2, 2019
	Page 213		Page 215
1	something that means it's a joke?	1	of those sort. So I just got an email about it
2	MS. GURMANKIN: Objection to	2	and was more confident in my attorneys.
3	form.	3	
4	THE WITNESS: No, not	4	list? Had you contacted them prior to this
5	necessarily.	5	lawsuit?
6	BY MR. TUCKER:	_	A. No, I don't know how. It's not like I
	Q. But you were thinking about money when	7	I don't know how they set it up.
8	you filed the EEOC complaints because you already	8	Q. In your email exchange with your sister,
9	consulted with a lawyer?	9	you talked about you two going to Barcelona, Spain
	A. I was not thinking about obviously,	10	if you got money from this lawsuit, didn't you?
11	that's something that comes up. However, that's		A. I think I'd go there regardless of that.
12	not I wanted justice for what had been done to		Q. In your email exchange with your sister,
13	me and what continued to be done to me.	13	do you talk about justice or do you just talk
	Q. Did you want them to show you the money	14	about money?
15	so you could buy a big house and fill it with		A. I think it's both.
16	puppies as part of the lawsuit?		Q. In this email you talk about justice?
	A. It was a joke between my sister and I.		A. Is it email or text messages?
18	Q. Your sister bought into the joke because	18	
19	she said, when they win you the big bucks, you'll	19	talk about justice or do you talk about money?
20	get the F out of here for a while. Do you recall	20	MS. GURMANKIN: Objection.
21	her saying that?	21	Asked and answered. You can answer
	A. We joked back and forth about things of	22	again.
	those nature.		THE WITNESS: I believe we talk
23	Q. You had an email showing your attorneys	23 24	about both.
24	Q. Tou had all email showing your attorneys	24	about both.
	Page 214		Page 216
1	who are representing you, and you were talking	1	MR. TUCKER: My final break. I
2	about money they had won in a case and you wanted	2	think I may be done.
3	to win money like that, too, right?	3	THE VIDEOTAPE TECHNICIAN: Time
	A. Did I say that? Is that what you're	4	is now 4:21. Going off the video
5	asking?	5	record.
6	Q. Do you recall saying it? Writing it in	6	
7	the text to your sister.	7	(Whereupon, a brief recess was
8	A. I don't have it in front of me so I	8	held.)
9	Q. I'm not asking you were whether you have	9	
10	it in front of you. I'm saying, do you recall	10	THE VIDEOTAPE TECHNICIAN: Time
11	that email exchange with your daughter	11	is now 4:23. Back on the video record.
12	Do you recall that email	12	BY MR. TUCKER:
13	exchange with your sister where you were talking	13	
14	about the big bucks that you wanted to win?	14	of the litigation, beginning of this deposition,
	A. We talked about money within the	15	had you ever made any claims of sexual harassment
16	lawsuit, yes.	16	prior to this lawsuit against anyone else. Did I
17		17	ask you that?
18	wanted to win?	18	
19	A. I suppose I may have termed it that way.	19	Q. It was in my mind. Prior to accusing
20	Q. You looked at the firm's website and you	20	Mr. Turney, Hoover, Forman, Larson and Priest of
21	saw the money they had gotten in an age	21	discrimination, had you ever accused anyone else
22	discrimination, you wanted that kind of money,	22	have of discrimination or harassment?
23	right?	23	A. Yes.
23	right?	23	

ЭП	ELL EXPLORATION AND PRODUCTION, et al.				August 2, 2019
	Page 217				Page 219
_	A and			201101	another incidents from Mr
	A. and and	1			another incidents from Mr.
	Q. Tell me about the allegations against	2		correc	
3	Mr. ?	3		-	No.
	A. He was sending me IM's through our work	4	-	-	I'm not correct?
5	communicator on the computer saying that he wanted	5			Oh, I'm sorry. You are correct. There
6	to be up front with me that he's married, but he	6			t an incident.
7	wanted to flirt with me. So I called Hondo into	7	Q	•	What happened with ?
8	the room to review the messages and he instructed	8			was sending me inappropriate
9	me what to do from there.	9	1	nessa	ages, he was hugging me at work, he said I
10	Q. What did Mr. Blakely tell you to do?	10	5	should	d dance on a stripper pole for the landowners
11	A. To documents, do a write-up of	11	t	o calı	m them down when they came in angry at
12	everything that happened. And he, I believe, went	12	,	Shell.	
13	to his supervisor and his supervisor went to his	13	Q		Who did you report this to?
14	supervisor and they wanted to keep it internal and	14	Α		My supervisor.
15	not involve HR.	15	Q		Who was that?
16	Q. What happened as a result of it?	16	Α		David Summers.
17		17	Q		What did Mr. Summers do?
18		18			Went to Michelle Priest.
19		19	_		What happened?
	Q. Did he ever harass you again?	20			I was told that I was I took it too
21	, ,	21			usly, it was a joke.
22	·	22	_		Who told you that?
	nothing else happened again after that?	23			Michelle Priest.
23 24					
24	A. NO.	24	Q	•	Did Mr. ever do anything else to you
	Page 218				
	1 age 210				Page 220
1		1	í	again	
	Q. And you weren't even was	1 2		-	after that?
2	Q. And you weren't even was Mr. Brownsville a Shell employee?	2	Α		after that? Not that I recall.
2	Q. And you weren't even was Mr. Brownsville a Shell employee? A. Yes.	2	A Q		after that? Not that I recall. Did he retaliate against you?
2 3 4	Q. And you weren't even wasMr. Brownsville a Shell employee?A. Yes.Q. You were a contract employee at that	2 3 4	A Q A		after that? Not that I recall. Did he retaliate against you? Not that I recall.
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2 3 4 5 6 7	 Q. And you weren't even was Mr. Brownsville a Shell employee? A. Yes. Q. You were a contract employee at that time? A. Correct. Q. Notwithstanding that, Mr. Blakely still 	2 3 4 5 6 7	A Q A Q	and M to Mr.	after that? Not that I recall. Did he retaliate against you? Not that I recall. Both this incident with Mr. Brownsville Mr. (1986), was that known, as far as you know, Blakely prior to you being hired?
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Page 224

Page	22′
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- 1 Q. When you were out on short-term
- disability, were you under the care of a doctor? 2
- з А. Yes.
- 4 Q. What doctor were you under the care of?
- Courtney Babcock and Shell had assigned 5 A.
- me a nurse you through their program. 6
- 7 Q. For what reason were you out on
- 8 disability? Because of stress?
- A. Anxiety. 9
- 10 Q. When you returned to work, did you
- return to a different position? 11
- 12 A. I returned to -- I don't even think
- there was a position. I returned to work and then 13
- they didn't give me --14
- 15 Q. You returned on, like, April 1st of
- 2019? 16
- 17 A. April, yeah, sound about right.
- 18 Q. You returned as a safety tech?
- 19 A. That was my title.
- 20 Q. Previously you were an environmental
- tech? 21

1 2 A.

3

6

7

8 Q.

9

11

12

13

14

17 18 Q.

19

20 A.

21 Q.

22 A.

23 Q.

24 A.

15 Q.

16 A.

around.

still or not.

relationship?

Yes.

No.

Correct.

10 A.

4 Q.

5 A.

- My title was safety tech the entire 22 A.
- time, but they worded it as environmental tech. 23

returned on April 1st of '19 to the new position?

How did your job duties change?

of my old job. I didn't take on anything that I

I did -- I went through power point

presentations for Wayne, I did administrative

tasks, I drove around in a truck all day one time

I had nothing to do so he asked me to drive him

I don't know if he's a Shell employee

Did you and Mr. hall have a romantic

He was a Shell employee?

And you were a Shell employee?

-- I wasn't going to be doing my old job.

Who is T.J. hall?

Oh, job duties. I didn't return to any

was doing when I returned. They told me that my

What were you doing when you returned?

How did I? I'm sorry. I didn't

understand the first part of your question.

24 Q. How did your duties change when you

- 1 Q. Who were you employed by at that time?
- Synergy. 2 A.
- 3 Q. How long did that romantic relationship
- last? 4
- 5 A. Less than a year.
- 6 Q. Who is Matt Bedrich?
- 7 A. He was -- we were in a relationship.
- 8 Q. When was that?
- MS. GURMANKIN: This has been 9
- asked and answered. 10
- BY MR. TUCKER: 11
- 12 Q. I asked that exact person?
- 13 A. Yeah.
- 14 Q. I'm sorry. Just going over my notes.
- During 2016, did Mr. Turney know 15
- who your boyfriend was? 16
- 17 A. 2016, yes.
- How did he know who your boyfriend was? 18 Q.
- 19 A. They met at a Shell Christmas party or
- 20 holiday party.
- 21 Q. Would that have been in 2015?
- 22 A. I don't remember the exact date. It
- could have been 2015. I don't know if I attended 23
- 24 the 2016 holiday or not.

- 1 Q. But in 2016 he knew who your boyfriend
- 2 was. So if there was a holiday day party, it
- would have had to been 2015, correct? 3
- 4 A. I believe so.
- 5 Q. Did you talk to Mr. Turney about any
- problems or issues you were having with your then 6
- 7 boyfriend in 2016?
- 8 A. No.
- Q. You never complained to him about any 9
- issues at all with you and your boyfriend? 10
- I didn't talk about him that much, 11 A.
- unless Will would ask me about questions. It's 12
- not something I wanted to talk about. 13
- I'm going to ask you the same question. 14 Q.
- Did you make any complaints to Mr. Turney about 15
- your boyfriend in 2016? 16
- 17 A. Not that I recall.
- 18 Q. Did you share any personal information
- about you and your boyfriend with Mr. Turney in 19
- 20 2016?
- 21 A. I asked to leave work early one day
- because my boyfriend at the time was in the 22
- hospital. 23
- 24 Q. What was he in the hospital for?

ЭН	ELL EXPLORATION AND PRODUCTION, et al.		August 2, 2019
	Page 225		Page 227
,	A A clipped disc	-	A Not that exocific wording
	A. A slipped disc.		A. Not that specific wording.Q. Generally?
	Q. Is that the only time that you recall in		•
3	2016 you talked to Mr. Turney about you and your	_	A. I was asked to lunch a lot.
4	boyfriend's personal life?		Q. And you felt that that was
	A. I believe so. If I did, it was either	5	' ' '
6	maybe we went somewhere together or something. He		A. In some cases, yes.
7	would ask me because he said he saw me on the		Q. In what instances did you believe being
8	highway driving back with him before, and he was asking where I was going.	8	asked to lunch and by whom was inappropriate? A. By
10			Q. Let me he ask. Did you believe being
11	harassed you, did any you talked about in your	11	
12	write-ups how Mr. Turney would touch you, correct?	12	
	A. Correct.		A. When I would went to lunch they would
_	Q. After the investigation by	14	
15	Ms. Kloosterman, he never touched you again,	15	
16	correct?		Q. Did you believe that these individuals
	A. Correct.	17	
1	Q. You talked about how Mr. Hoover touched		A. If they are not telling their wife's
19	your hair, correct?	19	
	A. Ken Forman touched my hair.		Q. Did you believe
	Q. I'm sorry. Ken Forman touched your hair,	21	
22	correct?	22	
	A. Correct.	23	
	Q. After Ms. Kloosterman's investigation,	24	
2.1	w. 7 ttor wo. rabbaterman a mvootigation,	2.1	that something was going to happen in a
	Page 226		Page 228
1		1	
		1 2	sexual nature so they didn't want their
2	he never touched you again, correct? A. Correct.		sexual nature so they didn't want their wives knowing.
2	he never touched you again, correct? A. Correct.	2	sexual nature so they didn't want their wives knowing. BY MR. TUCKER:
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	he never touched you again, correct? A. Correct. Q. Mr. Hoover never touched you, correct? A. Correct. Q. Mr. Larson never touched you either, correct? A. Correct. Q. Ms. Priest, her limited discrimination was the grading, correct? MS. GURMANKIN: Objection to form. THE WITNESS: Discrimination? BY MR. TUCKER: Q. Her limited discrimination Ms. Priest's discrimination against you was the grading of your job when you first started, correct? MS. GURMANKIN: Objection to form. THE WITNESS: Yes. BY MR. TUCKER:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	sexual nature so they didn't want their wives knowing. BY MR. TUCKER: Q. Did you believe that these individuals asking you to go to lunch was sexual harassment? MS. GURMANKIN: Objection. THE WITNESS: So in some case. BY MR. TUCKER: Q. In what instances were they? A. The ones that I just explained. Q. Did Mr. Turney ever tell you what individual said what you just said? A. Ken Forman. Q. Who else? A. Mr. Turney was there. He didn't say those specific words, Ken did. Q. Anyone else other than Mr. Forman? A. Not those words, no. THE VIDEOTAPE TECHNICIAN: Counsel, I'm going have to switch cards. The time is now 4:36. This concludes
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	he never touched you again, correct? A. Correct. Q. Mr. Hoover never touched you, correct? A. Correct. Q. Mr. Larson never touched you either, correct? A. Correct. Q. Ms. Priest, her limited discrimination was the grading, correct? MS. GURMANKIN: Objection to form. THE WITNESS: Discrimination? BY MR. TUCKER: Q. Her limited discrimination Ms. Priest's discrimination against you was the grading of your job when you first started, correct? MS. GURMANKIN: Objection to form. THE WITNESS: Yes. BY MR. TUCKER: Q. Did any of the these individuals who you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	sexual nature so they didn't want their wives knowing. BY MR. TUCKER: Q. Did you believe that these individuals asking you to go to lunch was sexual harassment? MS. GURMANKIN: Objection. THE WITNESS: So in some case. BY MR. TUCKER: Q. In what instances were they? A. The ones that I just explained. Q. Did Mr. Turney ever tell you what individual said what you just said? A. Ken Forman. Q. Who else? A. Mr. Turney was there. He didn't say those specific words, Ken did. Q. Anyone else other than Mr. Forman? A. Not those words, no. THE VIDEOTAPE TECHNICIAN: Counsel, I'm going have to switch cards. The time is now 4:36. This concludes disk three.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	he never touched you again, correct? A. Correct. Q. Mr. Hoover never touched you, correct? A. Correct. Q. Mr. Larson never touched you either, correct? A. Correct. Q. Ms. Priest, her limited discrimination was the grading, correct? MS. GURMANKIN: Objection to form. THE WITNESS: Discrimination? BY MR. TUCKER: Q. Her limited discrimination Ms. Priest's discrimination against you was the grading of your job when you first started, correct? MS. GURMANKIN: Objection to form. THE WITNESS: Yes. BY MR. TUCKER:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	sexual nature so they didn't want their wives knowing. BY MR. TUCKER: Q. Did you believe that these individuals asking you to go to lunch was sexual harassment?

1	•		7 tagast 2, 2010
	Page 229		Page 231
1	held.)	1	MS. GURMANKIN: No questions.
2		2	Thank you.
3	THE VIDEOTAPE TECHNICIAN: Time	3	THE VIDEOTAPE TECHNICIAN: Time
4	is now 4:37. This begins disk four.	4	is now 4:39. This concludes this video
5	BY MR. TUCKER:	5	deposition.
6	Q. Mr. Forman said to you something to the	6	
7	effect of, I'm not going to tell my wife I went to	7	(Whereupon, the deposition
8	lunch with you today?	8	concluded at 4:39 p.m.)
9	A. Yeah, he said that.	9	
10	Q. He said that in the presence of	10	
11	Mr. Turnery?	11	
12	•	12	
13	Q. Did he laugh when he said that?	13	
14		14	
15	Q. How many times did he say that to you?	15	
16		16	
17	Q. Did anyone else say something like that	17	
18	to you?	18	
19		19	
20	Q. Did anyone ask you out for after work	20	
21	drinks?	21	
22	A. To imply a date?	22	
23	Q. Well, did you ever go out for drinks	23	
24	after work with either Mr. Turney, Hoover, Forman	24	
	Page 230		Dana 000
	1 ago 200		Page 232
,		1	
1	or Larson?	2	CERTIFICATION
2	or Larson? A. No.	3	CERTIFICATION
2	or Larson? A. No. Q. Did you ever did you ever socialize	3 4	CERTIFICATION I HEREBY CERTIFY that the
2 3 4	or Larson? A. No. Q. Did you ever did you ever socialize with Mr. Turney, Hoover, Forman or Larson after	2 3 4 5	CERTIFICATION I HEREBY CERTIFY that the proceedings and evidence are contained fully and
2 3 4 5	or Larson? A. No. Q. Did you ever did you ever socialize with Mr. Turney, Hoover, Forman or Larson after work or outside of work?	3 4	CERTIFICATION I HEREBY CERTIFY that the proceedings and evidence are contained fully and accurately in the stenographic notes taken by me
2 3 4 5 6	or Larson? A. No. Q. Did you ever did you ever socialize with Mr. Turney, Hoover, Forman or Larson after work or outside of work? A. Not unless it was a work event, like, a	2 3 4 5 6 7	CERTIFICATION I HEREBY CERTIFY that the proceedings and evidence are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter and that this is a
2 3 4 5	or Larson? A. No. Q. Did you ever did you ever socialize with Mr. Turney, Hoover, Forman or Larson after work or outside of work? A. Not unless it was a work event, like, a dinner.	2 3 4 5 6 7 8	CERTIFICATION I HEREBY CERTIFY that the proceedings and evidence are contained fully and accurately in the stenographic notes taken by me
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2 3 4 5 6 7 8 9	or Larson? A. No. Q. Did you ever did you ever socialize with Mr. Turney, Hoover, Forman or Larson after work or outside of work? A. Not unless it was a work event, like, a dinner. Q. When you were at the dinner, did any of them act in appropriate towards you at the dinner?	2 3 4 5 6 7 8 9 10	I HEREBY CERTIFY that the proceedings and evidence are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter and that this is a correct transcript of the same. AMY L. TAYLOR
2 3 4 5 6 7 8 9	or Larson? A. No. Q. Did you ever did you ever socialize with Mr. Turney, Hoover, Forman or Larson after work or outside of work? A. Not unless it was a work event, like, a dinner. Q. When you were at the dinner, did any of them act in appropriate towards you at the dinner? A. When he showed me a selfie in his	2 3 4 5 6 7 8 9 10 11 12	I HEREBY CERTIFY that the proceedings and evidence are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter and that this is a correct transcript of the same.
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Exhibit 2



Compressed Transcript of the Testimony of WILLIAM TURNEY-CONTAINS CONFIDENTIAL PORTIONS, 2/19/20

Case: Barnes v. Shell Exploration & Production Company Appalachia, et al.

Summit Court Reporting, Inc.

Phone: 215.985.2400 Fax: 215.985.2420

Email: depo@summitreporting.com Internet: www.summitreporting.com

Dago 1	Page 2
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IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA JESSE BARNES, : CIVIL ACTION: Plaintiff,: v. : SHELL EXPLORATION : AND PRODUCTION COMPANY : APPALACHIA; SHELL : EXPLORATION AND PRODUCTION : COMPANY; SHELL OIL COMPANY,: Defendants. : NO. 18-1497 CONTAINS CONFIDENTIAL PORTIONS ORAL AND VIDEOTAPED DEPOSITION of WILLIAM TURNEY, taken at Shell Woodcreek, 150 N. Dairy Ashford Road, Houston, Texas 77079 on February 19, 2020, beginning at 8:55 a.m., before Constance Koenig, RMR and CSR in and for the State of Texas.	INDEX WITNESS: WILLIAM TURNEY EXAMINATION By Ms. Gurmankin (CONFIDENTIAL PORTION - Page 126, Line 13 through Page 127 Line 17) EXHIBITS EXHIBITS EXHIBIT NO. DESCRIPTION PAGE Exhibit 49 Letter (from Gurmankin to 9 Turney) dated February 3, 2020 with Attachments (NO BATES NUMBERS) Exhibit 50 Letter (from Hallbach to 27 Turney) dated December 15, 2011 with Attachment (SHELL_0001369-373) Exhibit 51 Acknowledgement of Receipt 39 of the Code of Conduct (SHELL_0001367-368) Exhibit 52 Goals and Performance 76 Appraisals for William Turney 2012-2019 SCHELL_0001377-389) Exhibit 53 Goals and Performance 169
SUMMIT COURT REPORTING, INC. Certified Court Reporters and Videographers 1500 Walnut Street, Suite 1610 Philadelphia, Pennsylvania 19102 424 Fleming Pike, Hammonton, New Jersey 08037 (215) 985-2400 * (800) 447-8648 * (609) 567-3315 www.summitreporting.com	Appraisal Report 2015 for 21
Page 2	Page 4
1 APPEARANCES: 2 3 CONSOLE MATTIACCI LAW, LLC BY: CAREN N. GURMANKIN, ESQUIRE 4 1525 Locust Street 9th Floor 5 Philadelphia, Pennsylvania 19102 (215) 545-7676 6 Gurmankin@consolelaw.com Counsel for Plaintiff 7 8 TUCKER LAW GROUP 9 BY: JOE H. TUCKER, JR., ESQUIRE 1801 Market Street 10 Suite 2500 Philadelphia, Pennsylvania 19103 11 (215) 875-0609 Jtucker@tlgattorneys.com 12 Counsel for Defendants 13 14 ALSO PRESENT: 15 Cynthia Bivins Stephanie Jackson 16 Jesse Barnes (By Telephone) Sam Among, Videographer 17 18 19 20 21 22 23 24	1

	Page 5		Page 7
1	THE VIDEOGRAPHER: We are on record at	1	Do you understand that?
2	8:55 a.m., February 19, 2020. This is the start of	2	A. I do.
3	Media Unit No. 1 of the videotaped deposition of	3	Q. If I ask you a question and you answer the
4	William Turney in the matter of Jesse Barnes versus	4	question, I'm going to assume that you have
5	Shell Exploration and Production Company, et al.,	5	understood it and you've answered it accordingly.
6	filed in the Middle District of Pennsylvania.	6	Do you understand that?
7	This deposition is being held at Shell	7	A. I do.
8	Woodcreek, 150 North Dairy Ashford Road, Houston,	8	Q. As you have been doing, we just need you to
9	Texas. My name is Sam Among from the firm of Summit	9	keep giving verbal responses to all of my questions
10	Reporting Inc., and I am the videotape operator.	10	so we can make sure that what you say is captured
11	The Court Reporter is Connie Koenig, also from the	11	accurately on the written transcript that will
12	firm of Summit Court Reporting, Inc.	12	result from this deposition. Okay?
13	Counsel will now state their	13	A. Okay.
14	appearances and firm affiliation on the record.	14	Q. Even though this deposition is taking place
15	MS. GURMANKIN: Caren Gurmankin of	15	in a conference room at Shell, it has the same force
16	Console Mattiacci Law for the Plaintiff.	16	and effect as if you were testifying in federal
17	MR. TUCKER: Joe Tucker of the Tucker	17	court in front of a federal judge and jury.
18	Law Group on behalf of Defendant.	18	You have just taken an oath to tell the
19	THE VIDEOGRAPHER: Will the Court	19	truth. If you do not tell the truth, and that
20	Reporter please swear in the witness.	20	includes saying you don't know when you do know or
21	reporter please swear in the withese.	21	you don't remember when you do remember, that's
22		22	considered perjury.
23		23	Do you understand that?
24		24	MR. TUCKER: Objection to the client's
			With POOREIN Objection to the shorter
	Page 6		Page 8
1	WILLIAM TURNEY,	1	interpretation of the law what perjury is.
2	having been first duly sworn, testified as follows:	2	But you may answer the question to the
3	EXAMINATION	3	extent you understand it.
4	BY MS. GURMANKIN:	4	A. I understand.
5	Q. All right. Mr. Turney, good morning.	5	Q. (BY MS. GURMANKIN) Okay. Is there any
6	A. Good morning.	6	reason why you wouldn't be able to testify
7	Q. We just met. But for the record, my name	7	truthfully today?
8	is Caren Gurmankin, and I have the privilege of	8	A. No.
9	representing Jesse Barnes in a lawsuit that she's	9	Q. If you need a break at any time, we can
10	filed against Shell for sex discrimination and	10	take a break whenever you'd like. If there's a
11	retaliation.	11	question pending, I just need you to answer the
12	A. Okay.	12	question and then we can take the break. Okay?
13	Q. Have you ever had your deposition taken	13	A. Okay.
14	before today?	14	Q. What is your date of birth?
15	A. No.	15	Α
16	Q. Okay.	16	Q. You're currently employed?
17	MR. TUCKER: My client would like the	17	A. I am.
18	opportunity to read and sign the deposition	18	Q. By who?
19	transcript.	19	A. Shell Oil Company.
20	MS. GURMANKIN: Sure.	20	Q. And what is your home address?
21	Q. (BY MS. GURMANKIN) I'm going to ask you a	21	MR. TUCKER: We'll accept service of
22	series of questions today. If I ask you a question	22	any subpoenas on his behalf. You can use his
23	and you don't understand it, I need you to tell me	23	corporate address, Counsel.
		24	MS CHUNANIKINI In the event that he is I
24	so I can rephrase it.	24	MS. GURMANKIN: In the event that he is

24

And I hope you spend your time on

Page 9 Page 11 no longer employed at the time of trial, we just something other than this. Counsel. I'm -- I'm not 1 1 2 need to know that. 2 here -- I don't want us to fight today, Caren. I 3 3 just -- Caren -- let's go off the record. MR. TUCKER: We will still accept 4 THE VIDEOGRAPHER: We are off record. 4 service on his behalf at the time of trial. 5 5 MS. GURMANKIN: And you'll represent Time is 9 a.m. 6 6 him? (Off the record.) 7 MR. TUCKER: Yes. 7 THE VIDEOGRAPHER: We are back on 8 8 Q. (BY MS. GURMANKIN) You are being record. Time is 9 a.m. 9 9 represented by Shell's attorneys today, correct? Q. (BY MS. GURMANKIN) When you got the 10 A. Yes. 10 subpoena that's marked as Exhibit 49, did you do 11 Q. And you are not paying them to represent 11 anything to see if you had any documents responsive 12 12 you, correct? to the subpoena? 13 A. That's correct. 13 A. No. 14 (Exhibit 49 was marked.) 14 Q. At any point have you -- well, strike that. 15 15 Q. (BY MS. GURMANKIN) You should be shown Your current -- you have a current 16 what is being marked as Exhibit 49. 16 phone, correct? You have a phone in your 17 17 A. Uh-huh. possession? 18 Q. The first page is a covered letter from my 18 A. Correct. 19 office dated February 3, 2020, enclosing a subpoena 19 Q. Okay. Is that the same phone that you had 20 to you. 20 as of 2016? A. Yes. 21 Do you see that? 21 Q. Okay. When did you get your current phone? 22 A. I do. 22 A. I don't recall that, what -- what year, but 23 Q. Have you seen this letter or the enclosed 23 it was before then. It was probably 2013, 2012 24 subpoena before? 24 Page 10 Page 12 1 A. I have. 1 maybe. 2 Q. Okay. You were served it directly, 2 Q. What kind of phone is it? 3 correct? 3 A. iPhone. 4 A. Correct. 4 Q. Did you ever search your text messages on 5 5 Q. Did you produce any documents responsive to your iPhone to see if you had anything having to do 6 the subpoena? 6 with Jesse Barnes or her case? 7 A. I have not. 7 A. The only thing I did when this all came 8 Q. Why not? 8 about, counsel asked me to send my phone. So I sent 9 A. Counsel advised me --9 my phone somewhere to Houston so they could look 10 MR. TUCKER: Objection. Don't -- don't 10 through it. 11 answer the question. It's attorney-client 11 Q. Okay. To Shell? 12 privilege. 12 A. Yes, ma'am. 13 Q. (BY MS. GURMANKIN) Okay. So is it 13 Q. Do you know if they looked -- without 14 accurate that you are not able to answer the 14 getting into attorney-client communication, do you 15 question of why you have not -- why you have not 15 know if they searched your text messages? produced any documents responsive to the subpoena 16 A. Yes. That was the main purpose, I believe. 16 17 because your attorney's instructed you not to? 17 Q. But you have never searched your text 18 MR. TUCKER: No. All documents, as you 18 messages? 19 know, Counsel -- and I hope we don't start off like 19 A. I found the text messages for them, and I 20 this, Caren -- we have produced all documents categorized them. But I knew I had text messages on 20 21 relevant to this case by Mr. Turney in response to 21 there, so I would say, yes, I did search for them. 22 deposition requests, document productions and Q. Okay. And some of those text messages you 22 23 self-executing. 23 sent to Megan Kloosterman?

A. No. I don't recall doing that.

24

	Page 13	Page 1	5
1	Q. Okay. Did you ever send text messages that	1 Jesse Barnes or her claims?	
2	you found to anyone at Shell?	2 A. No, ma'am.	
3	A. Say that again.	Q. Okay. Do you recall when you deleted the	
4	Q. Sure. Did you ever send text messages that	4 text messages in preparation for you sending your	
5	you found and categorized to anyone at Shell?	5 phone to Shell?	
6	A. No.	6 A. I do not recall that.	
7	Q. What did you do when you found text	7 Q. At some point you had an interview with	
8	messages and categorized them?	8 Megan Kloosterman, correct?	
9	A. I was just preparing it to go to the Shell	9 A. Yes, ma'am.	
10	here to send off.	Q. Do you recall when it was in relation to	
11	Q. How did you prepare it?	11 that interview?	
12	A. Just got rid of anything that didn't have	12 A. The interview between me and Megan happene	ed
13	to do with the relevant case and got rid of them so	sometime in 2016, the latter part	
14	they can just see the text messages that was	14 Q. It was December of 2016?	
15	relevant.	15 A. Yeah. Yeah.	
16	Q. Okay. When you say "got rid of," you	16 Q. So	
17	deleted?	17 MR. TUCKER: Mr. Turney, slow down.	
18	A. Yes, ma'am.	18 Okay?	
19	Q. Okay. And that's before you sent your	19 THE WITNESS: Okay.	
20	phone to Shell per the request so they could look	MR. TUCKER: No matter how fast she	
21	through it?	21 talks, you slow down.	
22	A. Yes, ma'am.	22 THE WITNESS: Okay.	
23	Q. Did you delete any text messages between	23 MR. TUCKER: All right? Hear the	
24	you and Jesse Barnes?	question and understand the question.	
	,	·	
	Page 14	Page 1	6
1	Page 14 A. No.	Page 1 1 THE WITNESS: Okay.	6
1 2		THE WITNESS: Okay.Q. (BY MS. GURMANKIN) Do you recall how soo	
	A. No.	1 THE WITNESS: Okay.	
2	A. No. Q. Did you delete any text messages between	THE WITNESS: Okay.Q. (BY MS. GURMANKIN) Do you recall how soo	
2	A. No.Q. Did you delete any text messages between you and anyone on your team?A. I'm sure, yes.Q. Do you recall which members of your team	1 THE WITNESS: Okay. 2 Q. (BY MS. GURMANKIN) Do you recall how soo 3 before or after your interview with Kloosterman did 4 you delete the text messages from your phone? 5 A. I don't recall.	
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	Page 17		Page 19
1	MR. TUCKER: What do you mean, "in	1	to do with his credibility.
2	connection with"?	2	But go ahead.
3	Q. (BY MS. GURMANKIN) Did it lead to trial?	3	MR. TUCKER: That's absolutely untrue.
4	Did you plead? Were the charges dropped? What	4	MS. GURMANKIN: No, it's not.
5	happened?	5	MR. TUCKER: It's absolutely untrue.
6	MR. TUCKER: Objection; relevancy.	6	Q. (BY MS. GURMANKIN) Go ahead.
7	But you may answer.	7	A. You're going to have to repeat the question
8	A. The charges were dropped because	8	again. I apologize.
9	MR. TUCKER: She didn't did she ask	9	Q. Do you believe that your wife made up the
10	you why?	10	allegations that led to your arrest for domestic
11	THE WITNESS: Oh, sorry.	11	violence?
12	MR. TUCKER: Let's stick to answering	12	MR. TUCKER: Objection; relevancy.
13	her question, okay?	13	A. No.
14	THE WITNESS: Okay.	14	Q. (BY MS. GURMANKIN) Did you engage in
15	Q. (BY MS. GURMANKIN) Why were the charges	15	domestic violence that led to your arrest?
16	dropped?	16	MR. TUCKER: Objection; relevancy.
17	A. The charges were dropped because I wasn't	17	Simply to harass the client, having nothing to do
18	actually at fault.	18	with this litigation.
19	Q. Did your wife make up the charges that were	19	MS. GURMANKIN: You can answer.
20	the basis of your arrest?	20	MR. TUCKER: Let me finish.
21	MR. TUCKER: Objection; misleading	21	And it is not admissible and does
22	question.	22	not will not lead to the discovery of any
23	But you may answer.	23	admissible or any relevant evidence.
24	A. I really don't know how to answer that.	24	You may answer.
			·
	Page 18		Page 20
1	Q. (BY MS. GURMANKIN) Do you know why the	1	A. You're going to have to repeat the
2	charges were dropped?	2	question. I apologize.
3	A. Because the facts came out.	3	Q. (BY MS. GURMANKIN) Sure. Did you engage
4	Q. Okay. And the facts were not as you were	4	in domestic violence against your wife?
5	charged?	5	A. No.
6	A. That's correct.	6	Q. Is that the only time you have been
7	Q. You did not engage in domestic violence?	7	arrested?
8	A. That's correct.	8	A. Yes.
	 Q. So did your wife lie when she made the 	9	O Did Chall
9			Q. Did you ever hear rumors going around Shell
9 10	allegations that led to your arrest?	10	that you were arrested for domestic violence?
10 11	MR. TUCKER: Objection to the use of	11	that you were arrested for domestic violence? A. No.
10 11 12	MR. TUCKER: Objection to the use of the term "lie" and objection to the use that she	11 12	that you were arrested for domestic violence? A. No. Q. Did you disclose to Shell before today that
10 11 12 13	MR. TUCKER: Objection to the use of the term "lie" and objection to the use that she made the allegations in the first instance.	11 12 13	that you were arrested for domestic violence? A. No. Q. Did you disclose to Shell before today that you were arrested?
10 11 12 13 14	MR. TUCKER: Objection to the use of the term "lie" and objection to the use that she made the allegations in the first instance. But you may answer.	11 12 13 14	that you were arrested for domestic violence? A. No. Q. Did you disclose to Shell before today that you were arrested? A. It was irrelevant.
10 11 12 13 14 15	MR. TUCKER: Objection to the use of the term "lie" and objection to the use that she made the allegations in the first instance. But you may answer. A. Repeat the question.	11 12 13 14 15	that you were arrested for domestic violence? A. No. Q. Did you disclose to Shell before today that you were arrested? A. It was irrelevant. Q. What's the answer to my question?
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contractor at Shell before you started full-time at Shell, correct? A. That's correct. C. When did you start working as a full-time employee at Shell? A. February 2012. C. And prior to that, you worked at Shell as a contractor? A. Yes, ma'am. C. You were employed by Synergy? A. Correct. C. About how long? A. From August 2011. C. What capacity were you working as a contractor at Shell? A. Kind of a job coordinator, OSB role for construction. On-site presensative. C. So from August 2011 through February 2012, you worked as a contractor at Shell? A. Yes. C. In the same capacity? C. In the same capacity? A. Yes. C. In the same capacity? A. Yes. C. In the Same Capacity Work? Page 22 A. Yes. C. Inmediately prior to Synergy, where did you work? Page 22 A. Yes. C. In the Same Capacity A. A. A company called HD Supply in Lakeland. Florida. MR. TUCKER: Objection; relevancy. Page 24 A. A company called HD Supply in Lakeland. Florida. MR. TUCKER: Objection; relevancy. Page 24 THE WITNESS: I apologize. MR. TUCKER: Objection; relevancy. Page 24 A. A. A. O. A. No. MR. TUCKER: Objection; relevancy. Page 24 Page 24 Page 24 Page 24 A. A. Company called HD Supply in Lakeland. Florida. MR. TUCKER: Objection to the format of the question, what has been answered. A. A. No. C. (BY MS. GURMANKIN) Did you ever have a relationship with a female subordinate during your time at HD Supply? THE WITNESS: I apologize. MR. TUCKER: Objection; relevancy. MR. TUCKER: If you can't think of the name of it. It was a freezer company. I can't think of the name of it. It was a freezer company. I was an order picker. A. A started out - I held several jobs. I started out as a pipe hand or an inillwright and then worked my way up from there to shop field manager. Q. During your time at HD Supply, what Jobs did you hold? A. No. A. No. A. No. A. A A sompany called his was a worked my way up from there to shop field manager. Q. During your time at HD Supply, what Jobs did you hold? A. Started out - I held several jobs. I started out - I held seve		Page 21		Page 23
2 Shell, correct? 3 A. That's correct. 4 Q. When did you start working as a full-time employee at Shell? 5 A. February 2012. 7 Q. And prior to that, you worked at Shell as a contractor? 9 A. Yes, ma'am. 10 Q. You were employed by Synergy? 11 A. Correct. 12 Q. About how long? 12 A. From August 2011. 13 A. From August 2011. 14 Q. What capacity were you working as a contractor at Shell? What was your job? 16 A. Kind of a job coordinator, OSR role for construction. On-site representative. 17 you worked as a contractor at Shell? 18 Q. So from August 2011 through February 2012. 19 you worked as a contractor at Shell? 20 A. Yes. 21 Q. In the same capacity? 22 A. Yes. 23 Q. Immediately prior to Synergy, where did you work? 24 work? 25 THE WITNESS: Day. 26 MR. TUCKER: What do you mean by "investigation into his conduct. 27 Ineed you to slow down. No matter how question, you understand what you are answering. THE WITNESS: Okay. 28 MR. TUCKER: Did she ask you where it was? 39 THE WITNESS: I apologize. 40 MR. TUCKER: Did she ask you where it was? 41 THE WITNESS: New J. Page 24 42 THE WITNESS: Okay. 43 MR. TUCKER: Objection; relevancy. 44 THE WITNESS: May I answer? 45 MR. TUCKER: What do you mean by "investigation into his conduct. 46 Inneed you to slow down. No matter how question, you understand what you are answering. 47 THE WITNESS: May Use were have a relationship with a female subordinate during your time at HD Supply. 48 MR. TUCKER: Objection; relevancy. 49 THE WITNESS: Okay. 50 THE WITNESS: Okay. 51 THE WITNESS: Okay. 52 THE WITNESS: Okay. 53 Q. Kyms, GURMANKIN) How long were you at HD 10 question, what has been answered. 54 Q. (BY MS. GURMANKIN) Where were you whole at the question, what has been answered. 55 THE WITNESS: Okay. 56 MR. TUCKER: What do you down the own the full worked my way up to me the properties of the question with the firment of the question has a properties of the	1	contractor at Shell before you started full-time at	1	A. Absolutely not
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4 Q. Ever the subject of an investigation? 5 employee at Shell? 6 A. February 2012. 7 Q. And prior to that, you worked at Shell as a contractor? 9 A. Yes, maiam. 10 Q. You were employed by Synergy? 11 A. Correct. 11 Q. About how long? 12 Q. About how long? 13 A. From August 2011. 14 Q. What capacity were you working as a contractor at Shell? What was your job? 15 contract at Shell? What was your job? 16 A. Kind of a job coordinator, OSR role for construction. On-site representative. 17 Q. So from August 2011 through February 2012, you worked as a contractor at Shell? What was your job? 18 Q. So from August 2011 through February 2012, you worked as a contractor at Shell? 19 you worked as a contractor at Shell? 20 A. Yes. 21 Q. In the same capacity? 22 A. Yes. 23 Q. Immediately prior to Synergy, where did you work? 24 work? 25 THE WITNESS: Did she ask you where it was? 26 MR. TUCKER: Did she ask you where it was? 27 THE WITNESS: Okay. 28 THE WITNESS: Okay. 39 THE WITNESS: Okay. 40 Q. (BY MS. GURMANKIN) Where were you immediately prior to HD Supply? 41 THE WITNESS: Okay. 42 THE WITNESS: Okay. 43 Q. Immediately prior to Synergy, where did you work? 44 Wasa? 55 THE WITNESS: Okay. 56 THE WITNESS: Okay. 66 QKay? 67 We'll get out of here if you answer her questions. 68 QKay? 69 THE WITNESS: Okay. 60 QKay? 60 THE WITNESS: Okay. 61 A. A Quyust 1997 until 2011. 62 A. A dwhen you were at HD Supply, what jobs old you hold? 63 Q. Quring your time at HD Supply, what jobs old you hold? 64 Q. (BY MS. GURMANKIN) Where was an order picker. 65 Prior when to when? 65 A. A little company. I was an order picker. 66 Quyung your time at HD Supply, were you were dat my way up from there to shop field manager. 67 Q. Quring your time at HD Supply, were you worked at the Supply was a little? 68 Quyung from the to shop field manager. 79 Q. Quring your time at HD Supply, were you were			3	
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6 A. February 2012. 7 Q. And prior to that, you worked at Shell as a contractor? 9 A. Yes, ma'am. 10 Q. You were employed by Synergy? 11 A. Correct. 12 Q. About how long? 13 A. From August 2011. 14 Q. What capacity were you working as a contractor at Shell? What was your job? 15 contractor at Shell? What was your job? 16 A. Kind of a job coordinator, OSR role for 17 construction. On-site representative. 18 Q. So from August 2011 through February 2012, you worked as a contractor at Shell? 19 you worked as a contractor at Shell? 20 A. Yes. 21 Q. In the same capacity? 22 A. Yes. 23 Q. Immediately prior to Synergy, where did you work? 24 work? 25 THE WITNESS: Clay Query where it was a Wholesale company. I can't think of the name of it. It was a freezer company. 26 MR. TUCKER: Objection into his conduct. 27 MR. TUCKER: Objection to the format of the question, what has been answered. 28 MR. TUCKER: Objection to the format of the question, what has been answered. 29 MR. TUCKER: Objection to the format of the question, what has been answered. 30 MR. TUCKER: Did she ask you where it was a Wholesale company called HD Supply in Lakeland. 31 MR. TUCKER: Did she ask you where it was a Wholesale company. I can't think of the name of it. 32 THE WITNESS: I apologize. 33 MR. TUCKER: Can you do me a favor? 34 Well get out of here if you answer her questions. 35 Okay? 36 Q. (BY MS. GURMANKIN) How long were you at HD Supply; 37 THE WITNESS: Clay Query and the first of the properties	5	, and the second	5	
7 "investigation"? 8 contractor? 9 A. Yes, ma'am. 10 Q. You were employed by Synergy? 11 A. Correct. 12 Q. About how long? 13 A. From August 2011. 14 Q. What capacity were you working as a 15 contractor at Shell? What was your job? 15 A. Kind of a job coordinator, OSR role for 17 construction. On-site representative. 18 Q. So from August 2011 through February 2012, you worked as a contractor at Shell? 19 you worked as a contractor at Shell? 20 A. Yes. 21 Q. Inmediately prior to Synergy, where did you work? 22 A. Yes. 23 Q. Immediately prior to Synergy, where did you work? 24 work? 25 THE WITNESS: I apologize. 26 MR. TUCKER: Did she ask you where it 4 was? 27 THE WITNESS: Clay. 28 MR. TUCKER: Did she ask you where it 4 was? 29 THE WITNESS: Clay. 30 Q. (BY MS. GURMANKIN) How long were you at HD Supply? 40 Werl get out of here if you answer her questions. 40 Q. (BY MS. GURMANKIN) How long were you at HD Supply? 41 THE WITNESS: Clay. 42 Q. (BY MS. GURMANKIN) Where were you immediately prior to HD Supply? 43 A. A Lougust 1997 until 2011. 44 A. A spears. 45 Can you do one a favor? 46 Werl get out of here if you answer her questions. 46 Q. (BY MS. GURMANKIN) Where were you immediately prior to HD Supply? 46 A. A lit was a freezer company. I can't think of the name of it. It was a freezer company. I was an order picker. 47 A. A started out as a pipe hand or a millwright and then worked my way up from there to shop field manager. 48 Q. Uning your time at HD Supply, were you ever disciplined? 49 Q. Uning your time at HD Supply, were you ever disciplined? 40 Q. Uning your time at HD Supply, were you ever disciplined? 41 A. Not that I believe. 42 Q. Uning your time at HD Supply, were you ever disciplined? 43 Q. What position did you hold there, order picker? 44 Quith position did you hold there, order picker? 45 Q. Wat position did you hold there, order picker? 46 Q. Wat position did you hold there, order picker? 47 A. Natha position did you hold there, order picker?	6		6	MR. TUCKER: What do you mean by
8 contractor? 9 A. Yes, ma'am. 10 Q. You were employed by Synergy? 11 A. Correct. 11 MS. GURMANKIN: He answered. 12 Q. About how long? 13 A. From August 2011. 14 Q. What capacity were you working as a contractor at Shell? What was your job? 15 contractor at Shell? What was your job? 16 A. Kind of a job coordinator, OSR role for construction. On-site representative. 17 construction. On-site representative. 18 Q. So from August 2011 through February 2012, you worked as a contractor at Shell? 19 you worked as a contractor at Shell? 20 A. Yes. 21 Q. In the same capacity? 22 A. Yes. 23 Q. Immediately prior to Synergy, where did you work? 24 work? 25 THE WITNESS: Lapologize. 26 MR. TUCKER: Did she ask you where it was? 27 We'll get out of here if you answer her questions. 28 Okay? 39 THE WITNESS: Ckay. 30 Q. (BY MS. GURMANKIN) How long were you at HD Supply? 40 Was (BY MS. GURMANKIN) How long were you at HD Supply? 41 Let's try answering her question to fit his conduct. 42 Yes. 43 Q. (BY MS. GURMANKIN) How long were you at HD Supply? 44 Was? 45 THE WITNESS: Ckay. 46 Q. (BY MS. GURMANKIN) How long were you at HD Supply? 57 We'll get out of here if you answer her questions. 58 Okay? 59 THE WITNESS: Okay. 50 Q. (BY MS. GURMANKIN) How long were you at HD Supply? 51 A. Stared out -a held several jobs. I started out as a pipe hand or a millwright and then worked my way up from there to shop field manager. 50 Q. Uring your time at HD Supply, what jobs did you hold? 50 Q. Uring your time at HD Supply, were you ever disciplined? 51 A. Started out -a held several jobs. I started out as a pipe hand or a millwright and then worked my way up from there to shop field manager. 51 Q. Uring your time at HD Supply, were you you derstand what you are asyning investigation into his conduct. 52 Q. Uring your time at HD Supply were you detering the protection microstical manager. 52 Q. Uring your time at HD Supply were you deven disciplined? 53 Q. Were you ever accused of sexual harassment. 54 G. We'll you dold there, order picker. 55 G.	7		7	
9 A. Yes, ma'am. 10 Q. You were employed by Synergy? 11 A. Correct. 12 Q. About how long? 13 A. From August 2011. 14 Q. What capacity were you working as a 15 contractor at Shell? What was your job? 16 A. Kind of a job coordinator, OSR role for 17 construction. On-site representative. 18 Q. So from August 2011 through February 2012, 19 you worked as a contractor at Shell? 20 A. Yes. 21 Q. In the same capacity? 22 A. Yes. 23 Q. Immediately prior to Synergy, where did you 24 work? Page 22 1 A. A company called HD Supply in Lakeland, 2 Florida. 2 Florida. 3 MR. TUCKER: Did she ask you where it 4 was? 5 THE WITNESS: I apologize. 6 MR. TUCKER: Did she ask you where it 7 We'll get out of here if you answer her questions. 8 Okay? 9 THE WITNESS: Okay. 10 Q. (BY MS. GURMANKIN) How long were you at HD 11 Supply? 12 A. 15 years. 13 Q. From when to when? 14 A. August 1997 until 2011. 15 Q. And when you were at HD Supply, what jobs did you hold? 16 did you hold? 17 A. Started out - I held several jobs. I started out as a pipe hand or a millwright and then worked my way up from there to shop field manager. 2 Q. Uwre you ever accused of sexual harassment 10 MR. TUCKER: That MR. TUCKER: No, he answered. 11 Jestin investigation into his conduct. 11 Inneed you to slow down. No matter how quickly she talks, you slow down. No matter how quickly she talks, you slow down. No matter how quickly she talks, you slow down. No matter how quickly she talks, you slow down. No matter how quickly she talks, you slow down. No matter how quickly she talks, you slow down. No matter how quickly she talks, you slow down. No matter how quickly she talks, you slow down. No matter how quickly she talks, you slow down. No matter how quickly she talks, you slow down. No matter how quickly she talks, you slow down. No matter how quickly she talks, you slow down. No matter how quickly she talks, you slow down. No matter how quickly she talks, you down the No matter how quickly she talks, you slow down. No matter how quickly she talks, you slow down.	8	•	8	•
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2. Or Good initiation of any kind:		-		
		or algorithmation of arry kind:	-1	S. The mole and.

	Page 25		Page 27
1	A. Yes.	1	Q. Prior to starting working at Shell
2	Q. Why did you leave there?	2	full-time, were you ever asked by the company
3	A. Found a better job at HD Supply.	3	whether you had been previously accused of sexual
4	Q. You left voluntarily?	4	harassment?
5	A. Uh-huh.	5	MR. TUCKER: Objection; relevancy.
6	Q. Yes?	6	You may answer.
7	A. Yes. Sorry, sorry.	7	A. No.
8	Q. During your employment there, were you ever	8	(<mark>Exhibit 50</mark> was marked.)
9	disciplined?	9	Q. (BY MS. GURMANKIN) Showing you what's been
10	A. No.	10	marked as Exhibit 50. This was produced by Shell,
11	Q. Ever accused of sexual harassment or	11	and it appears to be an offer letter for you.
12	discrimination?	12	Is that correct?
13	A. No.	13	MR. TUCKER: Can he read the document,
14	Q. Why did you leave HD Supply?	14	please?
15	A. Got a job at Shell.	15	MS. GURMANKIN: Sure.
16	Q. You left voluntarily?	16	A. Okay. What was the question?
17	A. Yes.	17	Q. (BY MS. GURMANKIN) This appears to be an
18	Q. What is your educational background?	18	offer letter to you for a job at Shell. Is that
19	A. High school, little college.	19	correct?
20	Q. Do you have your high school diploma?	20	A. It looks that way, yes.
21	A. Yes.	21	Q. And if you look at the last page, that's
22	Q. From where?	22	your signature?
23	A. Zephyrhills High School.	23	A. Yes.
24	Q. When did you get it?	24	Q. Accepting the offer?
	Page 26		Page 28
1	A. 1990.	1	A. Correct.
2	Q. You said a little college?	2	Q. And that's your handwriting on top of the
3	A. Uh-huh.	3	date line?
4	Q. Yes?	4	A. Yes.
5	A. Yes.	5	Q. This letter is dated December 15, 2011,
6	Q. Do you have a degree?	6	correct?
7	A. No.	7	A. December what?
8	Q. Where did you attend the little college?	8	Q. 15.
9	A. Pasco-Hernando.	9	A. No, ma'am.
10	Q. How many credits?	10	Q. If you look at the first page.
11	A. I don't recall.	11	A. Okay.
12	Q. Do you recall how many classes you took?	12	Q. It says at the top December 15, 2011; is
13	A. I do not recall that, as well.	13	that right?
1		14	A. That's correct.
14	Q. Were you working towards a particular		
15	degree?	15	Q. Okay. And you are being offered
15 16	degree? A. Mortuary science.	15 16	MR. TUCKER: But I think for
15 16 17	degree? A. Mortuary science. Q. Why did you stop attending?	15 16 17	MR. TUCKER: But I think for clarification purposes, the letter is dated by him
15 16 17 18	degree? A. Mortuary science. Q. Why did you stop attending? A. Didn't want to go to school no more.	15 16 17 18	MR. TUCKER: But I think for clarification purposes, the letter is dated by him December 18.
15 16 17 18 19	degree? A. Mortuary science. Q. Why did you stop attending? A. Didn't want to go to school no more. Q. When you started working at Shell through	15 16 17 18 19	MR. TUCKER: But I think for clarification purposes, the letter is dated by him December 18. Q. (BY MS. GURMANKIN) Well, that's when you
15 16 17 18 19 20	degree? A. Mortuary science. Q. Why did you stop attending? A. Didn't want to go to school no more. Q. When you started working at Shell through Synergy, were you ever asked by Shell whether you	15 16 17 18 19 20	MR. TUCKER: But I think for clarification purposes, the letter is dated by him December 18. Q. (BY MS. GURMANKIN) Well, that's when you signed it, right?
15 16 17 18 19 20 21	degree? A. Mortuary science. Q. Why did you stop attending? A. Didn't want to go to school no more. Q. When you started working at Shell through Synergy, were you ever asked by Shell whether you had been previously accused of sexual harassment?	15 16 17 18 19 20 21	MR. TUCKER: But I think for clarification purposes, the letter is dated by him December 18. Q. (BY MS. GURMANKIN) Well, that's when you signed it, right? A. Correct.
15 16 17 18 19 20 21 22	degree? A. Mortuary science. Q. Why did you stop attending? A. Didn't want to go to school no more. Q. When you started working at Shell through Synergy, were you ever asked by Shell whether you had been previously accused of sexual harassment? A. No.	15 16 17 18 19 20 21 22	MR. TUCKER: But I think for clarification purposes, the letter is dated by him December 18. Q. (BY MS. GURMANKIN) Well, that's when you signed it, right? A. Correct. Q. Okay. But the letter is actually dated
15 16 17 18 19 20 21	degree? A. Mortuary science. Q. Why did you stop attending? A. Didn't want to go to school no more. Q. When you started working at Shell through Synergy, were you ever asked by Shell whether you had been previously accused of sexual harassment?	15 16 17 18 19 20 21	MR. TUCKER: But I think for clarification purposes, the letter is dated by him December 18. Q. (BY MS. GURMANKIN) Well, that's when you signed it, right? A. Correct.

	Page 29		Page 31
1		1	
2	December 18, 2011, by him. MS. GURMANKIN: No. The letter itself	2	conditional offer, did you ever advise anyone at
			Shell that you had been arrested?
3	is dated December 15. It says that on the first	3	MR. TUCKER: Objection; asked and
4	page, right?	4	answered.
5	MR. TUCKER: Well, depends what you	5	You may answer again.
6	mean by when is it dated. Is it dated when it was	6	Also, objection because of relevancy.
7	signed or when it was sent?	7	A. No.
8	MS. GURMANKIN: Right.	8	Q. (BY MS. GURMANKIN) Were you ever asked?
9	Q. (BY MS. GURMANKIN) But it's dated December	9	A. No, I was not.
10	15, 2011, on the first page, right?	10	MR. TUCKER: Objection; asked and
11	A. Yes.	11	answered.
12	Q. And you signed it three days later?	12	Q. (BY MS. GURMANKIN) Did you sign an
13	A. Correct.	13	employment application in connection with your work
14	Q. Okay. This is an offer for a	14	at Shell?
15	conditional offer of employment.	15	A. I am sure I did.
16	You see that?	16	Q. Do you recall
17	A. On which page?	17	MR. TUCKER: The question is did you.
18	Q. On the first page, second paragraph.	18	Do you recall?
19	A. Yes.	19	THE WITNESS: I do not recall.
20	Q. And what did that mean to you when you	20	MR. TUCKER: Then let's talk let's
21	signed it?	21	testify about what you recall. Okay?
22	A. That means they accepted my résumé, they	22	THE WITNESS: Okay.
23	liked my work, and they wanted me to come to work	23	Q. (BY MS. GURMANKIN) Why were you sure you
24	for them full-time.	24	did?
	Page 30		Page 32
1	Q. If you look on the fourth page, it says	1	A. I would think it's protocol that you sign
2	under the header "Conditional Offer."	2	something that way, but again, I do not recall.
3	You see where I am?	3	That's why I said I was sure, but I'm not really
4	A. On the very top?	4	sure. I was just going by what typically happens to
5	Q. Yep.	5	the best of my knowledge.
6	A. Uh-huh.	6	Q. (BY MS. GURMANKIN) At the time that you
7	Q. Yes?	7	signed this letter on December 18, 2011, and
8	A. Correct, yes.	8	accepted the conditional offer of employment, were
9	Q. It says, "This employment offer is	9	you still a contractor, or were you a full-time
10	condition conditional upon your satisfying the	10	employee?
11	preemployment requirements of Shell. Those	11	A. I had to be still a contractor at that
12	requirements include but are not limited to the	12	time.
13	following." And there's a list of bullet points.	13	Q. Why is that?
14	Do you see that?	14	A. Because it was in December. I didn't get
15	A. I do.	15	hired on as a full-time until 2012.
16	Q. Okay. And one of them is, if you look at	16	-
17	the third one down, it says, "Success successful	17	Q. Did anything change about your contractor
18	completion of a background and reference screening."	18	status as of the time that you signed this
19	Do you see that?	19	conditional offer of employment on December 18, 2011?
20	A. No, I do not.		
21	Q. Third bullet point under "Conditional	20	MR. TUCKER: Objection; confusing
22	Offer."	21	question.
		22	A. I I don't understand what you are
.) 2	 A. Submission of yes, I do see it now. 	23	asking.
23	O Okay In connection with this protein	0.4	O (DV MC CLIDMANIZINI) Va., danizanizanizanizanizani
23	Q. Okay. In connection with this pre this	24	Q. (BY MS. GURMANKIN) You don't understand my

Page 33 Page 35 1 question? 1 Exhibit 50. 2 A. That's correct. 2 A. Yes. 3 3 Q. Did anything about your employment status Q. You see the "Offer Details"? 4 with Shell change as of the time that you signed 4 MR. TUCKER: Hold on. Let me go on the 5 this conditional offer of employment on December 18, 5 record because I'll tell you what I talked to him 6 2011? 6 about. 7 MR. TUCKER: Objection; same basis. 7 I don't think that you told him at the 8 8 You may answer, if you can. beginning that he should not guess or speculate. 9 9 A. I still -- I'm not seeing what you are So you are not to guess or speculate on 10 asking of me. I don't know what you are asking me. 10 your answers. Okay? 11 Q. (BY MS. GURMANKIN) Were you still paid by 11 THE WITNESS: Yes. 12 Synergy? 12 Q. (BY MS. GURMANKIN) I'll add to that, if 13 A. Until I was full-time with Shell, yes. 13 you can approximate, then that's fine. Just let me 14 Q. Until February 2012? 14 know you are approximating. Okay? 15 15 A. Yes. A. Okay. 16 Q. Did you receive any benefits from Shell as 16 Q. If you have no idea, then we don't want you 17 of the time that you signed this conditional offer 17 to guess. 18 of employment? 18 A. Okay. 19 A. Again, I'm not sure what you are asking. 19 Q. Understand that? 20 Q. Did you get benefits from Synergy during 20 A. Yes, I do. the time that you were working as a contractor at MR. TUCKER: Or speculate. 21 21 Shell? 22 22 THE WITNESS: Or speculate. A. No. I was a day-rate contractor. Had to 23 23 Q. (BY MS. GURMANKIN) Page 3 of Exhibit 50. 24 pay my own benefits. 24 A. Okay. Page 34 Page 36 Q. "Offer details." You see that? 1 Q. Okay. Did you get benefits from Shell as 1 2 of the time that you signed this conditional offer 2 A. I do. Q. All right. It says your starting base 3 of employment letter? 3 4 A. To the best of my recollection, yes. As 4 salary will be \$ per month, which is 5 5 equivalent to soon as I signed it, I should have been under their yearly for the position. You see that? 6 package. 6 7 Q. Okay. 7 A. I do. 8 8 Q. Did that start as of the time that you MR. TUCKER: Let's take a quick break. 9 9 signed the conditional offer of employment on Take your microphone off. THE VIDEOGRAPHER: We are off record. 10 10 December 18, 2011? 11 Time is 9:18 a.m. 11 A. No. 12 Q. Did it start February 2012? 12 (A recess was taken.) 13 THE VIDEOGRAPHER: We are back on 13 A. Correct. 14 record. Time is 9:19 a.m. 14 Q. So you continued to be paid your contractor 15 Q. (BY MS. GURMANKIN) All right. So if you 15 rate until February 2012? A. Correct. 16 look at page 3 --16 17 Q. The Performance Bonus Program, is that 17 MR. TUCKER: See, I feel some kind of 18 way. When I take breaks, you never ask him what we 18 something that you were eligible for before February 19 19 of 2012? talk about. A. No. 20 20 MS. GURMANKIN: Do I need to? MR. TUCKER: You can but I just feel 21 Q. It says, "You will be eligible for a 21 22 with Kathy you always say, "What did you talk 22 prorated bonus amount for 2011 scheduled to be paid 23 about?" With me you never ask. 23 out February 2012 or as determined by company 24 Q. (BY MS. GURMANKIN) All right. Page 3 of 24 policy."

	Page 37		Page 39
1	You see that? Third sentence?	1	A. That's nothing what I said.
2	A. Correct.	2	Q. What did you say?
3	MR. TUCKER: Counsel, can we agree that	3	A. I said the benefits didn't start until I
4	I have a standing objection to relevance to this	4	hired on full-time with Shell in 2012.
5	line of questions so I don't have to interrupt you?	5	Q. Okay. You didn't get benefits prior to
6	You can keep moving.	6	February 2012 from
7	MS. GURMANKIN: Sure.	7	A. That's correct.
8	Q. (BY MS. GURMANKIN) Did you actually get	8	MR. TUCKER: Let her finish her
9	paid a prorated bonus in February 2012 for 2011?	9	question. Even if you can anticipate what her
10	A. I got a bonus, correct.	10	question is, let her finish it so you can absorb it
11	Q. Okay. Paid out around February 2012?	11	and answer it.
12	A. I I don't recall.	12	THE WITNESS: Okay.
13	Q. Okay. But it was prorated for 2011?	13	(<mark>Exhibit 51</mark> was marked.)
14	A. I don't think it was I don't know.	14	Q. (BY MS. GURMANKIN) Showing you what's been
15	Q. All right. Well, what bonus are you	15	marked as Exhibit 51. This is an acknowledgment of
16	referring to?	16	receipt of the Code of Conduct that was produced by
17	A. It was a sign-on bonus.	17	Shell as part of your personnel file.
18	Q. Okay. That's referenced in the next	18	Do you recall receiving this?
19	paragraph?	19	A. No, I do not recall that.
20	A. Correct.	20	Q. Are those your initials at the bottom of
21	Q. And that was \$ 2000?	21	the page?
22	A. I don't recall. It may have been but I	22	A. Yes.
23	don't recall.	23	Q. And the date on there, 1/23/2012, that was
24	Q. Okay. But you do recall getting a sign-on	24	shortly before you started full-time?
	Page 38		Page 40
1			
	bonus?	1	A. No.
2	bonus? A. Yes.	1 2	A. No. Q. You started full-time in February 2012?
2	A. Yes.	2	Q. You started full-time in February 2012?A. Yes.
2	A. Yes.Q. When did you get that?	2 3	Q. You started full-time in February 2012?
2 3 4	A. Yes.Q. When did you get that?A. I don't recall.	2 3 4	Q. You started full-time in February 2012?A. Yes.Q. So January 23, 2012, was not shortly before
2 3 4 5	A. Yes.Q. When did you get that?A. I don't recall.Q. Other than your sign-on bonus, do you	2 3 4 5	Q. You started full-time in February 2012?A. Yes.Q. So January 23, 2012, was not shortly before you started full-time?
2 3 4 5 6	A. Yes.Q. When did you get that?A. I don't recall.Q. Other than your sign-on bonus, do you recall getting other any other bonus before	2 3 4 5 6	Q. You started full-time in February 2012?A. Yes.Q. So January 23, 2012, was not shortly before you started full-time?A. No.
2 3 4 5 6 7	 A. Yes. Q. When did you get that? A. I don't recall. Q. Other than your sign-on bonus, do you recall getting other any other bonus before February 2012? 	2 3 4 5 6 7	 Q. You started full-time in February 2012? A. Yes. Q. So January 23, 2012, was not shortly before you started full-time? A. No. Q. How long was it before you started
2 3 4 5 6 7 8	 A. Yes. Q. When did you get that? A. I don't recall. Q. Other than your sign-on bonus, do you recall getting other any other bonus before February 2012? A. I don't recall. 	2 3 4 5 6 7 8	 Q. You started full-time in February 2012? A. Yes. Q. So January 23, 2012, was not shortly before you started full-time? A. No. Q. How long was it before you started full-time?
2 3 4 5 6 7 8	 A. Yes. Q. When did you get that? A. I don't recall. Q. Other than your sign-on bonus, do you recall getting other any other bonus before February 2012? A. I don't recall. Q. Do you actually recall getting a 	2 3 4 5 6 7 8	 Q. You started full-time in February 2012? A. Yes. Q. So January 23, 2012, was not shortly before you started full-time? A. No. Q. How long was it before you started full-time? A. I started full-time Jan February 1 of
2 3 4 5 6 7 8 9	 A. Yes. Q. When did you get that? A. I don't recall. Q. Other than your sign-on bonus, do you recall getting other any other bonus before February 2012? A. I don't recall. Q. Do you actually recall getting a performance bonus prorated for 2011 at any point? 	2 3 4 5 6 7 8 9	 Q. You started full-time in February 2012? A. Yes. Q. So January 23, 2012, was not shortly before you started full-time? A. No. Q. How long was it before you started full-time? A. I started full-time Jan February 1 of 2012.
2 3 4 5 6 7 8 9 10	 A. Yes. Q. When did you get that? A. I don't recall. Q. Other than your sign-on bonus, do you recall getting other any other bonus before February 2012? A. I don't recall. Q. Do you actually recall getting a performance bonus prorated for 2011 at any point? A. No, I do not. 	2 3 4 5 6 7 8 9 10	 Q. You started full-time in February 2012? A. Yes. Q. So January 23, 2012, was not shortly before you started full-time? A. No. Q. How long was it before you started full-time? A. I started full-time Jan February 1 of 2012. Q. Okay. So
2 3 4 5 6 7 8 9 10 11	 A. Yes. Q. When did you get that? A. I don't recall. Q. Other than your sign-on bonus, do you recall getting other any other bonus before February 2012? A. I don't recall. Q. Do you actually recall getting a performance bonus prorated for 2011 at any point? A. No, I do not. Q. Further down on the page it talks about 	2 3 4 5 6 7 8 9 10 11 12	 Q. You started full-time in February 2012? A. Yes. Q. So January 23, 2012, was not shortly before you started full-time? A. No. Q. How long was it before you started full-time? A. I started full-time Jan February 1 of 2012. Q. Okay. So A. Oh. I apologize. I was thinking, too.
2 3 4 5 6 7 8 9 10 11 12 13	 A. Yes. Q. When did you get that? A. I don't recall. Q. Other than your sign-on bonus, do you recall getting other any other bonus before February 2012? A. I don't recall. Q. Do you actually recall getting a performance bonus prorated for 2011 at any point? A. No, I do not. Q. Further down on the page it talks about eligibility for vacation hours. 	2 3 4 5 6 7 8 9 10 11 12 13	 Q. You started full-time in February 2012? A. Yes. Q. So January 23, 2012, was not shortly before you started full-time? A. No. Q. How long was it before you started full-time? A. I started full-time Jan February 1 of 2012. Q. Okay. So A. Oh. I apologize. I was thinking, too. I'm sorry. You are correct, yes.
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. When did you get that? A. I don't recall. Q. Other than your sign-on bonus, do you recall getting other any other bonus before February 2012? A. I don't recall. Q. Do you actually recall getting a performance bonus prorated for 2011 at any point? A. No, I do not. Q. Further down on the page it talks about eligibility for vacation hours. Do you see that? A. Yes. Q. Did you get any of that for before you	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. You started full-time in February 2012? A. Yes. Q. So January 23, 2012, was not shortly before you started full-time? A. No. Q. How long was it before you started full-time? A. I started full-time Jan February 1 of 2012. Q. Okay. So A. Oh. I apologize. I was thinking, too. I'm sorry. You are correct, yes. Q. Okay. Do you recall ever signing an acknowledgement of Shell's Code of Conduct? A. I don't remember that.
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. When did you get that? A. I don't recall. Q. Other than your sign-on bonus, do you recall getting other any other bonus before February 2012? A. I don't recall. Q. Do you actually recall getting a performance bonus prorated for 2011 at any point? A. No, I do not. Q. Further down on the page it talks about eligibility for vacation hours. Do you see that? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. You started full-time in February 2012? A. Yes. Q. So January 23, 2012, was not shortly before you started full-time? A. No. Q. How long was it before you started full-time? A. I started full-time Jan February 1 of 2012. Q. Okay. So A. Oh. I apologize. I was thinking, too. I'm sorry. You are correct, yes. Q. Okay. Do you recall ever signing an acknowledgement of Shell's Code of Conduct? A. I don't remember that. Q. Do you recall ever receiving the Code of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. When did you get that? A. I don't recall. Q. Other than your sign-on bonus, do you recall getting other any other bonus before February 2012? A. I don't recall. Q. Do you actually recall getting a performance bonus prorated for 2011 at any point? A. No, I do not. Q. Further down on the page it talks about eligibility for vacation hours. Do you see that? A. Yes. Q. Did you get any of that for before you started full-time in February 2012? A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. You started full-time in February 2012? A. Yes. Q. So January 23, 2012, was not shortly before you started full-time? A. No. Q. How long was it before you started full-time? A. I started full-time Jan February 1 of 2012. Q. Okay. So A. Oh. I apologize. I was thinking, too. I'm sorry. You are correct, yes. Q. Okay. Do you recall ever signing an acknowledgement of Shell's Code of Conduct? A. I don't remember that. Q. Do you recall ever receiving the Code of Conduct?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. When did you get that? A. I don't recall. Q. Other than your sign-on bonus, do you recall getting other any other bonus before February 2012? A. I don't recall. Q. Do you actually recall getting a performance bonus prorated for 2011 at any point? A. No, I do not. Q. Further down on the page it talks about eligibility for vacation hours. Do you see that? A. Yes. Q. Did you get any of that for before you started full-time in February 2012? A. No. Q. And it says "Standard benefits" in the last	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. You started full-time in February 2012? A. Yes. Q. So January 23, 2012, was not shortly before you started full-time? A. No. Q. How long was it before you started full-time? A. I started full-time Jan February 1 of 2012. Q. Okay. So A. Oh. I apologize. I was thinking, too. I'm sorry. You are correct, yes. Q. Okay. Do you recall ever signing an acknowledgement of Shell's Code of Conduct? A. I don't remember that. Q. Do you recall ever receiving the Code of Conduct? A. I don't recall.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. When did you get that? A. I don't recall. Q. Other than your sign-on bonus, do you recall getting other any other bonus before February 2012? A. I don't recall. Q. Do you actually recall getting a performance bonus prorated for 2011 at any point? A. No, I do not. Q. Further down on the page it talks about eligibility for vacation hours. Do you see that? A. Yes. Q. Did you get any of that for before you started full-time in February 2012? A. No. Q. And it says "Standard benefits" in the last paragraph. You were eligible for those as of the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. You started full-time in February 2012? A. Yes. Q. So January 23, 2012, was not shortly before you started full-time? A. No. Q. How long was it before you started full-time? A. I started full-time Jan February 1 of 2012. Q. Okay. So A. Oh. I apologize. I was thinking, too. I'm sorry. You are correct, yes. Q. Okay. Do you recall ever signing an acknowledgement of Shell's Code of Conduct? A. I don't remember that. Q. Do you recall ever receiving the Code of Conduct? A. I don't recall. Q. Did you ever violate Shell's Code of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. When did you get that? A. I don't recall. Q. Other than your sign-on bonus, do you recall getting other any other bonus before February 2012? A. I don't recall. Q. Do you actually recall getting a performance bonus prorated for 2011 at any point? A. No, I do not. Q. Further down on the page it talks about eligibility for vacation hours. Do you see that? A. Yes. Q. Did you get any of that for before you started full-time in February 2012? A. No. Q. And it says "Standard benefits" in the last paragraph. You were eligible for those as of the time that you signed this letter?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 Q. You started full-time in February 2012? A. Yes. Q. So January 23, 2012, was not shortly before you started full-time? A. No. Q. How long was it before you started full-time? A. I started full-time Jan February 1 of 2012. Q. Okay. So A. Oh. I apologize. I was thinking, too. I'm sorry. You are correct, yes. Q. Okay. Do you recall ever signing an acknowledgement of Shell's Code of Conduct? A. I don't remember that. Q. Do you recall ever receiving the Code of Conduct? A. I don't recall. Q. Did you ever violate Shell's Code of Conduct during your employment?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. When did you get that? A. I don't recall. Q. Other than your sign-on bonus, do you recall getting other any other bonus before February 2012? A. I don't recall. Q. Do you actually recall getting a performance bonus prorated for 2011 at any point? A. No, I do not. Q. Further down on the page it talks about eligibility for vacation hours. Do you see that? A. Yes. Q. Did you get any of that for before you started full-time in February 2012? A. No. Q. And it says "Standard benefits" in the last paragraph. You were eligible for those as of the time that you signed this letter? A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. You started full-time in February 2012? A. Yes. Q. So January 23, 2012, was not shortly before you started full-time? A. No. Q. How long was it before you started full-time? A. I started full-time Jan February 1 of 2012. Q. Okay. So A. Oh. I apologize. I was thinking, too. I'm sorry. You are correct, yes. Q. Okay. Do you recall ever signing an acknowledgement of Shell's Code of Conduct? A. I don't remember that. Q. Do you recall ever receiving the Code of Conduct? A. I don't recall. Q. Did you ever violate Shell's Code of Conduct during your employment? MR. TUCKER: Other than in this
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. Q. When did you get that? A. I don't recall. Q. Other than your sign-on bonus, do you recall getting other any other bonus before February 2012? A. I don't recall. Q. Do you actually recall getting a performance bonus prorated for 2011 at any point? A. No, I do not. Q. Further down on the page it talks about eligibility for vacation hours. Do you see that? A. Yes. Q. Did you get any of that for before you started full-time in February 2012? A. No. Q. And it says "Standard benefits" in the last paragraph. You were eligible for those as of the time that you signed this letter? A. No. Q. Earlier you testified that you would have	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 Q. You started full-time in February 2012? A. Yes. Q. So January 23, 2012, was not shortly before you started full-time? A. No. Q. How long was it before you started full-time? A. I started full-time Jan February 1 of 2012. Q. Okay. So A. Oh. I apologize. I was thinking, too. I'm sorry. You are correct, yes. Q. Okay. Do you recall ever signing an acknowledgement of Shell's Code of Conduct? A. I don't remember that. Q. Do you recall ever receiving the Code of Conduct? A. I don't recall. Q. Did you ever violate Shell's Code of Conduct during your employment? MR. TUCKER: Other than in this instance?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. When did you get that? A. I don't recall. Q. Other than your sign-on bonus, do you recall getting other any other bonus before February 2012? A. I don't recall. Q. Do you actually recall getting a performance bonus prorated for 2011 at any point? A. No, I do not. Q. Further down on the page it talks about eligibility for vacation hours. Do you see that? A. Yes. Q. Did you get any of that for before you started full-time in February 2012? A. No. Q. And it says "Standard benefits" in the last paragraph. You were eligible for those as of the time that you signed this letter? A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. You started full-time in February 2012? A. Yes. Q. So January 23, 2012, was not shortly before you started full-time? A. No. Q. How long was it before you started full-time? A. I started full-time Jan February 1 of 2012. Q. Okay. So A. Oh. I apologize. I was thinking, too. I'm sorry. You are correct, yes. Q. Okay. Do you recall ever signing an acknowledgement of Shell's Code of Conduct? A. I don't remember that. Q. Do you recall ever receiving the Code of Conduct? A. I don't recall. Q. Did you ever violate Shell's Code of Conduct during your employment? MR. TUCKER: Other than in this

	Page 41		Page 43
1	Q. (BY MS. GURMANKIN) Did you ever violate	1	THE WITNESS: Okay.
2	Shell's Code of Conduct?	2	Q. (BY MS. GURMANKIN) Do you want to change
3	A. No, not to my knowledge.	3	your answer now?
4	Q. Did you ever violate any of Shell's	4	A. Repeat the question, please.
5	policies during your employment?	5	Q. Sure. A couple minutes ago I asked you
6	A. No, not to my knowledge.	6	whether you had ever violated Shell's Code of
7	Q. Anyone ever tell you that you violated	7	Conduct or policies during your employment. You
8	Shell's policies or Code of Conduct?	8	said no.
9	MR. TUCKER: Are you talking other	9	Was that truthful?
10	than	10	A. No, it was not truthful.
11	MS. GURMANKIN: No. Period. That's	11	Q. Okay. What's the truthful answer?
12	the question.	12	A. I did violate the Code of Conduct.
13	MR. TUCKER: I need you to stop	13	Q. Why did you say no?
14	MS. GURMANKIN: No, no. He answered.	14	A. I was thinking that you were talking about
15	MR. TUCKER: Counsel, I know you are	15	prior before this incident here.
16	trying to play a trap game, but I need you you	16	Q. Did I say that in my question?
17	you can have a misleading record and we can then	17	A. No, ma'am, you did not.
18	MS. GURMANKIN: Huh-uh.	18	Q. Did you say you didn't understand the
19	MR. TUCKER: Counsel, let me finish,	19	question?
20	please.	20	A. I did not.
21	MS. GURMANKIN: Joe, he answered. He	21	Q. Any reason other than what your lawyer
22	answered.	22	MR. TUCKER: Therefore
23	MR. TUCKER: She is talking about	23	MS. GURMANKIN: Joe, I'm talking.
24	including as it relates to Ms. Barnes. Did you	24	MR. TUCKER: Therefore, then, it's
	,		, ,
	Page 42		Page 44
1	understand that to be the question?	1	important
2	MS. GURMANKIN: Joe, that's not proper.	2	THE REPORTER: One at a time.
3	That's not proper. He answered. We are moving on.	3	MR. TUCKER: you understand her
4	Q. (BY MS. GURMANKIN) Did anyone	4	question, okay? That's the point I'm making. Okay?
5	MS. GURMANKIN: We are.	5	MS. GURMANKIN: Joe, please don't
6	MR. TUCKER: No, I'm not going to have	6	interrupt me.
7	you counsel him	7	Q. (BY MS. GURMANKIN) Other than what your
8	MS. GURMANKIN: Joe	8	lawyer said, any reason why you are changing your
9	THE REPORTER: One at a time, please.	9	answer?
10	MR. TUCKER: Counsel, I am not going to	10	A. Just because that's the truth.
11	have you a record that is purposely misleading.	11	Q. And other than what your lawyer said, any
12	Now, you need to stop, Mr. Turney, and	12	reason why you are changing your answer?
	• • • • • • • • • • • • • • • • • • • •		
13	understand her questions. She said ever during your	13	MR. TUCKER: He answered. He said it's
13 14	understand her questions. She said ever during your employment. So she includes this case, also.	13 14	MR. TUCKER: He answered. He said it's the truth.
13 14 15	understand her questions. She said ever during your employment. So she includes this case, also. Did you understand that?	13 14 15	MR. TUCKER: He answered. He said it's the truth. A. That's the truth.
13 14 15 16	understand her questions. She said ever during your employment. So she includes this case, also. Did you understand that? THE WITNESS: I did I did not	13 14 15 16	MR. TUCKER: He answered. He said it's the truth. A. That's the truth. Q. (BY MS. GURMANKIN) Any reason why you
13 14 15	understand her questions. She said ever during your employment. So she includes this case, also. Did you understand that? THE WITNESS: I did I did not understanding that.	13 14 15 16 17	MR. TUCKER: He answered. He said it's the truth. A. That's the truth. Q. (BY MS. GURMANKIN) Any reason why you changed your answer from a couple minutes ago when
13 14 15 16 17	understand her questions. She said ever during your employment. So she includes this case, also. Did you understand that? THE WITNESS: I did I did not understanding that. MR. TUCKER: Well, that's what I mean.	13 14 15 16 17 18	MR. TUCKER: He answered. He said it's the truth. A. That's the truth. Q. (BY MS. GURMANKIN) Any reason why you changed your answer from a couple minutes ago when you said no, you had never been disciplined I'm
13 14 15 16 17 18	understand her questions. She said ever during your employment. So she includes this case, also. Did you understand that? THE WITNESS: I did I did not understanding that. MR. TUCKER: Well, that's what I mean. You need to stop, slow up, no matter how fast she	13 14 15 16 17 18 19	MR. TUCKER: He answered. He said it's the truth. A. That's the truth. Q. (BY MS. GURMANKIN) Any reason why you changed your answer from a couple minutes ago when you said no, you had never been disciplined I'm sorry; that you never violated company policy or the
13 14 15 16 17 18 19 20	understand her questions. She said ever during your employment. So she includes this case, also. Did you understand that? THE WITNESS: I did I did not understanding that. MR. TUCKER: Well, that's what I mean. You need to stop, slow up, no matter how fast she talks.	13 14 15 16 17 18 19 20	MR. TUCKER: He answered. He said it's the truth. A. That's the truth. Q. (BY MS. GURMANKIN) Any reason why you changed your answer from a couple minutes ago when you said no, you had never been disciplined I'm sorry; that you never violated company policy or the Code of Conduct to yes, you had, than what your
13 14 15 16 17 18 19 20 21	understand her questions. She said ever during your employment. So she includes this case, also. Did you understand that? THE WITNESS: I did I did not understanding that. MR. TUCKER: Well, that's what I mean. You need to stop, slow up, no matter how fast she talks. THE WITNESS: Okay.	13 14 15 16 17 18 19 20 21	MR. TUCKER: He answered. He said it's the truth. A. That's the truth. Q. (BY MS. GURMANKIN) Any reason why you changed your answer from a couple minutes ago when you said no, you had never been disciplined I'm sorry; that you never violated company policy or the Code of Conduct to yes, you had, than what your lawyer said?
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13 14 15 16 17 18 19 20 21 22	understand her questions. She said ever during your employment. So she includes this case, also. Did you understand that? THE WITNESS: I did I did not understanding that. MR. TUCKER: Well, that's what I mean. You need to stop, slow up, no matter how fast she talks. THE WITNESS: Okay.	13 14 15 16 17 18 19 20 21	MR. TUCKER: He answered. He said it's the truth. A. That's the truth. Q. (BY MS. GURMANKIN) Any reason why you changed your answer from a couple minutes ago when you said no, you had never been disciplined I'm sorry; that you never violated company policy or the Code of Conduct to yes, you had, than what your lawyer said?

Page 45 Page 47 1 Q. All right. So you did violate Shell's talking about right here. 1 2 Q. (BY MS. GURMANKIN) Any other explanation 2 policies and Shell's Code of Conduct --3 for why you changed your answer than what your 3 MR. TUCKER: Objection. He did not say lawyer said to you? 4 4 he violated Shell's policies. He said he violated 5 MR. TUCKER: No, that is not what I 5 Shell's Code of Conduct. So your question's 6 6 said. His answer was his answer. And his answer misleading. 7 was he did not understand your question to mean this 7 Q. (BY MS. GURMANKIN) Did you violate Shell's 8 8 specific case, and that was his answer. Code of Conduct? 9 9 Q. (BY MS. GURMANKIN) Any other reason why A. Yes. 10 you changed your answer? 10 MR. TUCKER: Objection; asked and 11 MR. TUCKER: Other than what -- other 11 answered. than what you've already given, any other reason? 12 12 Q. (BY MS. GURMANKIN) Did you violate Shell's 13 Q. (BY MS. GURMANKIN) No. Any reason why you 13 policies? 14 changed your answer other than what your lawyer said 14 A. No. 15 15 to you? Q. What's the difference? 16 MR. TUCKER: Objection; asked and 16 A. Code of Conduct is -- is a particular set 17 17 of rules that we have to live by at Shell, and then answered. 18 You may answer the question again. 18 the policies are the policies. I -- I don't -- I 19 A. Just because that is the truth. That's the 19 haven't read the policies to familiarize myself. 20 way I understood it. 20 Q. You haven't read Shell's policies during 21 Q. (BY MS. GURMANKIN) Was it the truth 21 your employment? earlier when I asked you if you'd ever violated 22 22 A. Well, I have, but I don't recall them. 23 Shell's policies or the Code of Conduct? 23 Q. And when did you read them? 24 A. I don't recall that. MR. TUCKER: Objection; asked and 24 Page 46 Page 48 1 answered. 1 Q. When you started working as a full-time THE WITNESS: Can I answer? 2 2 employee? 3 MS. GURMANKIN: Yes. 3 A. I'm certain I did but I don't recall. 4 MR. TUCKER: Do you want the question 4 Q. Do you have a specific recollection of 5 5 read back or do you want to answer what -reading Shell's policies at any point during your employment? 6 THE WITNESS: Yeah, read it back one 6 7 more time, please. 7 A. Nothing specific or I don't recall. 8 8 Q. Did you ever read the Code of Conduct? Q. (BY MS. GURMANKIN) Sure. When you 9 9 answered earlier to my question as to whether you'd A. Yes. 10 Q. When? 10 ever violated Shell's policies or the Code of 11 Conduct that you had not, that wasn't the truth, was 11 MR. TUCKER: When's the first time 12 12 or --13 MS. GURMANKIN: No. When. 13 A. It was misleading. I was -- I took it as a MR. TUCKER: When -- objection to no 14 wrong question. That's why I changed my answer. 14 Q. What was misleading about the question? 15 15 time reference. MS. GURMANKIN: That's fine. 16 A. Well, I was thinking prior to this case 16 17 17 right now is what I was thinking. A. So you are asking the most recent time or what -- what are you -- what are you asking for? 18 Q. And any reason why you had that thought 18 19 Q. (BY MS. GURMANKIN) When did you read the 19 other than what your lawyer explained? 20 20 A. Just because we're here for a reason and Code of Conduct? 21 21 A. I don't recall any time other than I reread that's -- that's it. 22 22 it in 2016. Q. Anything else that you haven't told the 23 Q. Was that in connection with Jesse Barnes' 23 truth about so far in your deposition? 24 complaints? 24 A. No, ma'am.

Page 49 Page 51 1 don't recall that. But it went to a after the 1 A. It's in connection to the findings. 2 Q. Prior to that time, do you have a 2 discipline. 3 3 Q. (BY MS. GURMANKIN) What does that mean? recollection of reading Shell's Code of Conduct? 4 A. I don't recall. 4 What does a rating mean? 5 5 Q. Other than in connection with Jesse Barnes' A. I'm not sure I understand what your 6 6 complaints, did you ever violate company policy or question is. 7 the Code of Conduct in any other occasion during 7 Q. Like there are ratings, exceeds 8 8 your employment? expectations, meets expectations. What did a 9 9 MR. TUCKER: Objection; misleading. He mean? 10 has not indicated he's violated Shell policy. There 10 MR. TUCKER: Objection. has been no indication he has ever violated Shell's 11 You may answer. 11 12 12 is just doing your -- the -- the -policy. 13 But please answer the question. 13 the minimum to get by, right? So you are just doing 14 A. Answer the -- ask the question again, 14 15 Q. (BY MS. GURMANKIN) And you said you got a 15 please. Q. (BY MS. GURMANKIN) Sure. Other than in 16 lower bonus? 16 connection with Jesse Barnes' complaint, did you 17 A. Yes. 17 Q. Do you know what you would have gotten? 18 ever violate the Code of Conduct or Shell's policies 18 19 19 A. I don't recall. on any other occasion? 20 MR. TUCKER: Objection; compound 20 Q. What did you end up getting? 21 question and misleading. A. For a bonus? 21 Q. Uh-huh. 22 A. The answer is no. 22 23 Q. (BY MS. GURMANKIN) Have you ever been 23 A. I don't recall that. 24 Q. But you did get one? 24 disciplined during your employment with Shell? Page 50 Page 52 1 MR. TUCKER: Other than this incident? 1 A. I did get one. Q. And you got a lower pay increase? 2 MS. GURMANKIN: No. 2 3 A. Other than this incident, no. 3 A. That's correct. 4 Q. (BY MS. GURMANKIN) You were disciplined in 4 Q. What was your pay increase going to be? 5 connection with this -- Jesse Barnes' complaints? 5 A. I don't recall. A. Yes. 6 6 Q. What did you end up getting? 7 Q. What was your discipline? 7 A. I don't recall that either. 8 A. IPF -- a lower IPF score. I had to do some 8 Q. But you did get one? 9 A. I don't even recall that, to be honest with LEAD training courses, which led to lower bonus and 9 10 lower pay increase. 10 11 Q. Lower IPF score, what is IPF? 11 Q. You don't recall one way or the other? 12 12 A. Individual performance factor. 13 Q. And the LEAD training, what is that? 13 Q. Other than Jesse Barnes, to your knowledge, 14 A. It's a course for leadership to go through 14 has anyone else during your employment at Shell to kind of get some of your -- your four core complained about your conduct? 15 15 16 values. It's just -- it's a course for leadership. 16 A. Not to my knowledge, no. 17 17 Q. Had you taken that before? Q. Have you ever had a sexual or romantic 18 A. I took a course similar to that, ves. 18 relationship with another Shell employee or 19 Q. When you became a supervisor? 19 contractor? 20 20 A. That's correct. A. No. Q. What did your IPF go from to? 21 Q. During your employment -- well, strike 21 MR. TUCKER: In relation to? 22 22 23 MS. GURMANKIN: The discipline. 23 You did take the LEAD training as part A. So I don't know what it was going to be. I 24 of this discipline; is that correct? 24

Page 53 Page 55 A. So I would think, yes, I know I went to LOT 1 1 A. Yes. ma'am. 2 Q. When was that? 2 training, Leaders of Teams. And I had 3 3 other -- other trainings. I don't recall what. But A. It was shortly after the findings, but I I know I have had other trainings for certain 4 don't know specific dates. 4 5 5 Q. Was that something that you went through things. 6 6 individually, or was it part of a group training? Q. (BY MS. GURMANKIN) All right. You started 7 A. Well, so, I was assigned to it 7 that answer by saying, "I would think." 8 8 individually, but there was other folks in the Do you actually recall any other 9 9 training that you attended? room -- you know, in the course, as well. 10 Q. Who led the course? 10 A. The LOT sticks out in my the mind. So, A. Oh, I don't know. 11 again, I'm going to say -- I'm going to ask you this 11 question. "Trainings," you mean going somewhere and 12 Q. And what was the training that comprised 12 13 the course? 13 physically training or just taking a training course 14 A. Just leadership attributes. 14 online? What is -- what are you --15 15 Q. Meaning what? Q. Anything provided by Shell, any type of 16 16 A. Authenticity, collaboration, growth, things training. 17 A. Oh, absolutely. We do a lot of 17 like that. 18 Q. How long was the training? 18 computer-based trainings. Yeah. There is just too 19 19 much to -- to mention, but we do a lot of trainings. A. I believe it was a week long. 20 Q. All week? 20 Q. Okay. Anything other than computer-based 21 training that you recall participating in, other 21 A. As far as I can recollect, yes. 22 than the two leadership trainings that we talked 22 Q. Where? 23 23 A. Houston, Shell One Square. 24 2.4 Q. You attended in person? A. No. I don't recall anything else. Page 54 Page 56 1 A. Correct, yes. 1 Q. What's LOT training? 2 Q. What else did the course cover other than 2 A. Leaders of Teams. 3 leadership attributes? Anything else? 3 Q. And do you actually have a recollection of 4 A. I don't recall. 4 participating in that or no? 5 5 Q. Did it cover any information about A. Yeah, somewhat. 6 antiharassment or antidiscrimination policies? 6 Q. What is that, what is Leaders of Training? 7 A. I don't recall it doing that. 7 A. Again --8 Q. Other than the LEAD training that you had 8 MR. TUCKER: Leaders of Teams. 9 9 as a result of the discipline and similar training Q. (BY MS. GURMANKIN) Leaders of Teams. 10 10 that you had at Shell when you became a supervisor, A. Yeah, Leaders of Teams. It's just, again, 11 did you attend any other training at Shell during 11 another collaboration session against other leaders 12 12 your employment? in the basis to kind of come together to collaborate 13 MR. TUCKER: In relation to his 13 to, you know, to have different trainings on, you 14 discipline or in general? 14 know, whether it be leadership, whether it be 15 MS. GURMANKIN: General. 15 authenticity, collaboration or growth. And then you 16 A. I don't --16 basically say, you know, what are our issues MR. TUCKER: Can you read the question 17 17 compared to their issues. It's just a 18 back? 18 leadership-building course to try to prepare you for 19 19 And I need you to answer the question. 20 Can the Court Reporter please read the 20 Q. And when do you think you might have taken that? 21 question? 21 22 (The requested portion was read.) 22 A. 2015, maybe. MR. TUCKER: The entire time of your 23 Q. In connection with what? Why do you think 23 24 employment is the question. 24 it happened around that time?

22

23

position?

A. So not really. So --

MR. TUCKER: If that -- if that answers

Barnes v	. Shell Exploration & Production Company Appalachia, et al.		WILLIAM TURNEY-CONTAINS CONFIDENTIAL PORTIONS, 2/19/
	Page 57		Page 59
1	A. I'm guessing. So that's why I said	1	the question, that answers the question.
2	"maybe."	2	A. Okay. Not really.
3	Q. Okay. CVT training, how often did you	3	Q. (BY MS. GURMANKIN) Well, what does that
4	participate in that?	4	mean?
5	A. Computer-based trainings are are always	5	A. So "not really" means I there were some
6	ongoing. So you have a list of your profile,	6	folks that worked for me as OSRs but not really
7	whatever you're doing within Shell, and then that	7	direct reports. They were contractors. Went
8	gives you something based on criteria. So it could	8	through Joe Bennett. I just kind of guided them.
9	be weekly that you do it, could be annually. A lot	9	Q. Okay. And OSR means?
10	of things are annually. Some things are biannual.	10	A. On-site representative.
11	It just depends so	11	Q. Okay. So you kind of managed their work?
12	Q. Depends in part what your specific job is?	12	A. No. Just kind of guided their day-to-day
13	A. Correct. And how many you get.	13	activities, what they were doing.
14	Q. As part of the computer-based training, did	14	Q. But you were not their direct supervisor?
15	you do any training on the antiharassment or	15	A. Correct.
16	antidiscrimination policies or law?	16	Q. How long did you hold the position
17	A. I'm certain I have. I don't recall any	17	construction supervisor?
18	dates if I have done them.	18	A. Year and a half, I'm guessing. So a year
19	Q. Okay. But you have done them during your	19	and a half.
20	employment at Shell?	20	Q. Through sometime I know it's
21	A. I don't recall specifically that but	21	approximate around mid-2013?
22	Q. Okay. So you don't have a recollection of	22	A. Correct.
23	that being part of your training at Shell?	23	Q. And then what happens?
24	A. Correct.	24	A. Then I became the interim construction
	Page 58		Page 60
1	Q. All right. So when you start full-time at	1	superintendent.
2	Shell in February 2012	2	Q. Why interim?
3	MR. TUCKER: This is a first good	3	A. The current superintendent left and they
4	bathroom break for me.	4	wanted me to take that position over, but they were
5	MS. GURMANKIN: Sure.	5	just getting things lined up.
6	THE VIDEOGRAPHER: We are off record.	6	Q. That was Bennett?
7	Time is 9:38 a.m.	7	A. Bennett, yes.
8	(A recess was taken.)	8	Q. As interim construction supervisor, you had
9	THE VIDEOGRAPHER: We are back on	9	direct reports?
10	record. Time is 9:44 a.m.	10	A. Yes.
11	Q. (BY MS. GURMANKIN) When you start as a	11	Q. Any women?
12	full-time employee at Shell in February 2012, what	12	A. No.
13	position are you starting in?	13	Q. How long do you hold the interim
14	A. Construction supervisor.	14	construction supervisor position?
15	Q. Where?	15	A. Until the first part of 2014.
16	A. In Appalachia.	16	Q. Okay. And then what happened?
17	Q. Who do you report to?	17	A. Then I moved over to the maintenance group
18	A. A gentleman by the name of Joe Bennett.	18	for operations.
19	Q. His position at the time?	19	Q. So you never became the construction
20	A. Construction superintendent.	20	superintendent, right?
21	Q. Do you have any direct reports in that	21	A. No, ma'am.
I		1	

Q. Okay. You were always interim?

Q. Do you know why you never became the

22

23

A. Yeah.

	Page 61		Page 63
1	full-time construction superintendent?	1	Q. Okay. To another position?
2	A. I don't recall specifically, no.	2	A. Yes, ma'am.
3	Q. Did it have to do with something with	3	Q. From 2014 through the end of 2018, you held
4	your conduct or your performance?	4	the position of maintenance supervisor?
5	A. Not to my knowledge, no.	5	A. Yes.
6	Q. You were never told that?	6	Q. How long did you report to Summers?
7	A. I was never told, no.	7	A. I don't recall how long.
8	Q. Did you ever follow up and ask whether you	8	Q. Approximately?
9	were going to be made the full-time, permanent	9	A. Couple months.
10	construction superintendent?	10	Q. Then what happens to him?
11	A. I probably did. I don't recall. But I	11	A. He transferred out of the of Appalachia.
12	do yeah, no.	12	Q. And then who do you start reporting to?
13	Q. Sometime around 2014 is it early '14?	13	A. You know, I don't recall. I don't recall.
14	A. It should be around January.	14	Q. Do you recall who one of your next
15	Q you moved over to the maintenance group?	15	supervisors is, even if you don't recall who came
16	A. Yes, ma'am.	16	exactly next?
17	Q. In what position?	17	MR. TUCKER: After?
18	A. Maintenance supervisor.	18	MS. GURMANKIN: After Summers.
19	Q. Was that a promotion for you?	19	A. Yeah. So was supposed to take
20	A. Yes, it was.	20	his spot at the time, but I don't know when that
21	Q. Was that a position that you had applied	21	actually was. So I don't know if I was actually
22	for?	22	working for him or who is the reason why I said I
23	A. Yes, I have.	23	didn't know.
24	Q. It had been posted?	24	So I would think the next supervisor
1	Page 62 A. Yes.	1	Page 64
2	A. res. Q. Did you interview for it?	2	that did take that role was
3	Q. Did you interview for it:	4	
	Δ I did	3	Q. (BY MS. GURMANKIN) Okay. Do you recall reporting to the second for a period?
4	A. I did. O. With whom?	3 4	reporting to for a period?
4 5	Q. With whom?	4	reporting to for a period? A. I don't recall how long, but I believe I
5	Q. With whom?A. David Summers and, I believe.		reporting to for a period? A. I don't recall how long, but I believe I did report to
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5 6 7	Q. With whom?A. David Summers and, I believe.Q. As maintenance supervisor, where did you work?	4 5 6 7	reporting to for a period? A. I don't recall how long, but I believe I did report to Q. What was the position that Summers and then held?
5 6	Q. With whom?A. David Summers and, I believe.Q. As maintenance supervisor, where did you work?A. Say that again.	4 5 6	reporting to for a period? A. I don't recall how long, but I believe I did report to Q. What was the position that Summers and then held? A. Op yeah, operations superintendent.
5 6 7 8	 Q. With whom? A. David Summers and, I believe. Q. As maintenance supervisor, where did you work? A. Say that again. Q. When you when you got the job of 	4 5 6 7 8	reporting to for a period? A. I don't recall how long, but I believe I did report to Q. What was the position that Summers and then held? A. Op yeah, operations superintendent. Q. All right. Do you recall about how long it
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5 6 7 8 9 10 11	Q. With whom? A. David Summers and, I believe. Q. As maintenance supervisor, where did you work? A. Say that again. Q. When you when you got the job of maintenance supervisor in around January 2014, where were you working? MR. TUCKER: You mean physical	4 5 6 7 8 9 10 11	reporting to for a period? A. I don't recall how long, but I believe I did report to Q. What was the position that Summers and then held? A. Op yeah, operations superintendent. Q. All right. Do you recall about how long it was that you reported to ? A. It wasn't very long, but I don't recall exact exact timing.
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5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. With whom? A. David Summers and Q. As maintenance supervisor, where did you work? A. Say that again. Q. When you when you got the job of maintenance supervisor in around January 2014, where were you working? MR. TUCKER: You mean physical location? MS. GURMANKIN: Uh-huh. A. In the Appalachia asset. Q. (BY MS. GURMANKIN) When you became maintenance supervisor, who did you report to? A. David Summers.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	reporting to for a period? A. I don't recall how long, but I believe I did report to Q. What was the position that Summers and then held? A. Op yeah, operations superintendent. Q. All right. Do you recall about how long it was that you reported to ? A. It wasn't very long, but I don't recall exact exact timing. Q. Okay. What happened to him? A. He left the company. He left the company. Q. Do you know why? A. I do not know why. Q. Did you ever hear why? A. I heard rumors.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. With whom? A. David Summers and Q. As maintenance supervisor, where did you work? A. Say that again. Q. When you when you got the job of maintenance supervisor in around January 2014, where were you working? MR. TUCKER: You mean physical location? MS. GURMANKIN: Uh-huh. A. In the Appalachia asset. Q. (BY MS. GURMANKIN) When you became maintenance supervisor, who did you report to? A. David Summers. Q. How long did you hold the position of	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	reporting to A. I don't recall how long, but I believe I did report to Q. What was the position that Summers and then held? A. Op yeah, operations superintendent. Q. All right. Do you recall about how long it was that you reported to A. It wasn't very long, but I don't recall exact exact timing. Q. Okay. What happened to him? A. He left the company. He left the company. Q. Do you know why? A. I do not know why. Q. Did you ever hear why? A. I heard rumors. Q. What rumors did you hear? A. I don't recall specifics. Q. Do you recall generally?
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. With whom? A. David Summers and Q. As maintenance supervisor, where did you work? A. Say that again. Q. When you when you got the job of maintenance supervisor in around January 2014, where were you working? MR. TUCKER: You mean physical location? MS. GURMANKIN: Uh-huh. A. In the Appalachia asset. Q. (BY MS. GURMANKIN) When you became maintenance supervisor, who did you report to? A. David Summers. Q. How long did you hold the position of maintenance supervisor? A. Five years.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	reporting to A. I don't recall how long, but I believe I did report to Q. What was the position that Summers and then held? A. Op yeah, operations superintendent. Q. All right. Do you recall about how long it was that you reported to A. It wasn't very long, but I don't recall exact exact timing. Q. Okay. What happened to him? A. He left the company. He left the company. Q. Do you know why? A. I do not know why. Q. Did you ever hear why? A. I heard rumors. Q. What rumors did you hear? A. I don't recall specifics. Q. Do you recall generally? A. Just that no, I don't. I'd be guessing. I'm not going to guess.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. With whom? A. David Summers and Q. As maintenance supervisor, where did you work? A. Say that again. Q. When you when you got the job of maintenance supervisor in around January 2014, where were you working? MR. TUCKER: You mean physical location? MS. GURMANKIN: Uh-huh. A. In the Appalachia asset. Q. (BY MS. GURMANKIN) When you became maintenance supervisor, who did you report to? A. David Summers. Q. How long did you hold the position of maintenance supervisor? A. Five years. Q. You were promoted at the end of 2018; is	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	reporting to A. I don't recall how long, but I believe I did report to Q. What was the position that Summers and then held? A. Op yeah, operations superintendent. Q. All right. Do you recall about how long it was that you reported to ? A. It wasn't very long, but I don't recall exact exact timing. Q. Okay. What happened to him? A. He left the company. He left the company. Q. Do you know why? A. I do not know why. Q. Did you ever hear why? A. I heard rumors. Q. What rumors did you hear? A. I don't recall specifics. Q. Do you recall generally? A. Just that no, I don't. I'd be guessing.

Page 65 Page 67 Q. And did you hear it was in connection with 1 1 vou heard? 2 A. No. 2 that event, his leaving? 3 3 A. I did not hear. Q. That he engaged in some sort of misconduct? Q. All right. After 4 A. I knew about that. 4 who did you report 5 5 Q. What did you know about that? to? 6 A. Well, nothing specific but I was asked to 6 A. I believe they brought in a superintendent 7 mediate between him and Jesse Barnes one day in a 7 Chris Andersen, I'm thinking. Chris Andersen. 8 conference room. 8 Q. About how long did you report to Andersen? 9 9 A. Nine months maybe, a year. I'm guessing Q. What was that about? 10 A. I -- I don't know. I was just asked to sit 10 but... 11 in there as a witness. 11 Q. And then what happened to him? A. He was set for retirement, so he left. 12 Q. Who asked you? 12 13 A. Robin Grouette, I believe. 13 Q. And who replaced him? 14 Q. Did she tell you why she was asking you to 14 A. Steve Craig. 15 15 Q. And how long did you report to Craig? sit in as a witness? 16 A. From that point until I left Appalachia and A. Just as little as possible what I can 16 17 recall, just them two had some kind of dealings, and went to Permian. 17 18 she wanted me in there to make sure that everybody 18 Q. Okay. At the end of 2018? 19 19 agreed everything was going to be fine. A. Yeah, the beginning of 2019, but yes. 20 Q. Did you understand you were there in any 20 Q. From the -- during the time that you were maintenance supervisor, so from January 2014 through other capacity but as a witness to observe? 21 21 22 22 A. Say that again. the end of 2018, who were your direct reports? Q. What did she tell you -- what did Robin 23 23 A. Like all my direct reports? 24 24 Grouette tell you that she wanted you to do in Q. Uh-huh. Page 66 Page 68 1 there? 1 A. I'd have to look at the list to give you 2 2 A. She just wanted me to sit in there as a -the names of all of them. 3 as a witness to make sure that, you know, David 3 Q. Okay. Any female direct reports? 4 apologized and Jesse accepted and that was it. 4 A. I had a few. 5 5 Q. Who? Q. Okay. 6 A. That was really all I knew. 6 A. Jill -- Jill Brueilly was one of 7 Q. And did you actually sit in on a meeting 7 them. Jennifer Compton was another. I believe 8 8 between Jesse and April Heater worked for me in that time. Jesse 9 A. Just that particular event that I'm talking 9 Barnes. Tina King. I feel like I'm missing 10 about. That's it. 10 someone. I'd have to look at a list though. That's 11 Q. Okay. Tell me about that event. What 11 all I can remember. 12 12 Q. Okay. Did Wendy Barnes ever report to you? happened? 13 A. She asked me to sit in there and they came 13 A. Wendy Barnes -- no, Wendy Barnes never 14 in and he apologized, she accepted, and that was 14 reported to me. 15 really it. That's all I can remember. 15 Q. Okay. Do you think there are other females 16 Q. Did he apologize for anything specific, or 16 who reported directly to you and you just can't 17 17 remember, or you are not sure if there are others? he just apologized? 18 A. I don't recall specifics. 18 A. I just -- I can't remember. 19 Q. Did you ever find out what that was about? 19 Q. Did you hire any of these women, or did you 20 A. I did not. 20 inherit them when you came on as maintenance 21 Q. Did end up leaving at some point after 21 supervisor? 22 22 that event? MR. TUCKER: I'm sorry; I wasn't taking A. Yes, it would have to have been after that 23 23 notes. Can we go back and you give me the list of 24 event, I guess. 24 the women?

i	Page 69		Page 71
1	MS. GURMANKIN: Here, I'll tell you.	1	tells you that you have got it?
2	Jill Brueilly, Jennifer Compton	2	A. Correct.
3	MR. TUCKER: You definitely have to	3	Q. Who was that?
4	slow down.	4	A. HR well, HR actually sent me a letter
5	MS. GURMANKIN: Yeah.	5	saying that I got the position.
6	MR. TUCKER: Okay. Go ahead.	6	Q. That's how you found out?
7	MS. GURMANKIN: Jill Brueilly.	7	A. Yes, ma'am.
8	MR. TUCKER: Jill.	8	Q. Do you remember who sent you the letter?
9	MS. GURMANKIN: Brueilly.	9	A. I do not recall.
10	THE WITNESS: Brueilly.	10	Q. And that required relocating?
11	MS. GURMANKIN: Jennifer Compton, April	11	A. Yes.
12	Heater, Jesse Barnes, Tina King.	12	Q. To the Houston area?
13	MR. TUCKER: One, two, three, four,	13	A. To Midland, Texas, West Texas.
14	five okay.	14	Q. Is that where you are living now?
15	Q. (BY MS. GURMANKIN) In at the end of	15	A. Yes.
16	MR. TUCKER: I interrupted your	16	Q. Where do you work out of, Midland?
17	question. You didn't finish your question.	17	A. Midland.
18	(Discussion off record.)	18	Q. Do you have an office?
19	Q. (BY MS. GURMANKIN) Did you hire any of	19	A. I do.
20	them, or did you inherit them?	20	Q. And you have direct reports?
21	A. I inherited a few and I hired a few.	21	A. I do.
22	Q. Who did you hire?	22	Q. Including females?
23	A. I hired Jesse Barnes. I hired Tina King	23	A. I have one female.
24	and can I see the notes?	24	Q. Who's that?
	Page 70		Page 72
1	MR. TUCKER: Do you mind if I show him	1	A. Lena Soliz.
2	the list, Counsel?	2	MR. TUCKER: Spell her last name.
3	Q. (BY MS. GURMANKIN) Jill Brueilly, Jennifer	3	THE WITNESS: S-O-L-I-Z.
4	Compton and April Heater are the others.	4	Q. (BY MS. GURMANKIN) Did you hire her or was
5	A. Yeah, the rest were inherited.	5	she inherited?
6	Q. Okay. The position into which you were	6	A. She's inherited.
7	promoted in late 2018, what was that?	7	Q. She's still there?
8	A. It holds the same title, but it was it's	8	A. Yes.
9	a maintenance it's a field support supervisor,	9	Q. Any other females you have had reporting to
10	but it's over the maintenance supervisors.	10	you since you were promoted into the field support
11	Q. So increased responsibility?	11	supervisor position?
12	A. Correct.	12	A. No. Can I go back one?
13	Q. Okay. And you're supervising individuals	13	Q. Sure.
14	who held the title that you held?	14	A. So there is one female that it's a
15 16	A. Correct.	15	contractor that is under me but actually doesn't
16 17	Q. Increase in compensation? A. Correct.	16	take my direction. So it's a dotted line. But she
18	Q. Was that a position that you applied for?	17	doesn't take direction. I just wanted to make sure I was clear with that.
19	A. I did, yes.	18	
20	Q. It was posted?	19	Q. Okay.
21	A. Yes.	20 21	A. Okay?
22	Q. Were you interviewed?	21	Q. Are we talking when you were maintenance
23	A. No.	23	supervisor? A. I'm talking right now.
24	Q. At some point someone just calls you and	24	Q. Okay. Who is that?
	The second period part sales year alla		a. Olay. This is that:

Page 76

Page 73

- 1 A. Elizabeth and I don't even -- I can't 2 remember her last name, but it's Elizabeth. But
- 3 she's a contractor but she works for Bartie Bray, 4 not myself. But it's under me when it's -- when you
- 5 see it in the system.
 - Q. Okay. And she's still working as a contractor?
 - A. Yes.

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- 9 Q. Any other female employees or contractors 10 that have been under your supervision since you 11 became a field support supervisor?
- 12 A. Not that I recall.
- 13 Q. You receive performance reviews during your 14 employment?
- 15 A. Yes.
- 16 Q. Have you received a performance review since you have been field support supervisor? 17
- 18 A. So I want to make sure we are -- we are 19 clear. So field support supervisor I was in
- 20 Appalachia, and that's still my title now. So are 21 you talking -- which -- which one are you talking?
- 22 Q. Well, let me make sure we're clear. I
- 23 thought you had said from 2014 through the end of
- 24 2018 you were maintenance supervisor.

- A. I know it's confusing.
- 2 Q. That's okay.

So since you took your current job as field support supervisor at the end of 2018 where you started working out of Midland -- just so we are on the same page.

- A. Yes.
- Q. -- have you gotten a performance review in that position?
- 10 A. Yes.

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- Q. Okay. How many? Do you know?
- A. I'm guessing but I know I had one. 12
 - Q. Okay. That would have been --
 - A. That was just this past year. Actually, probably had two, one mid-year and one end of
- year --17 Q. Okav.
 - A. -- for 2019.
- 19 Q. All right. So one in the middle of 2019?
- 20 A. Correct.
 - Q. And one at the end --
- 22 A. At the end, yes.
 - Q. Were there actual documents that you got?
 - A. I think there is a write-up, but I think it

Page 74

- 1 A. I was the maintenance supervisor, but the 2 title, to be clear, it was field support supervisor.
 - Q. Okay.

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- A. But, yeah. And I apologize if I misled
- you. But that's what the title is actually called.
- Q. Okay. So you were actually referred to as -- or called field support supervisor from 2014?
 - A. Correct.
- 9 Q. All right. You just had the job
- 10 responsibilities of maintenance supervisor?
- 11 A. So it was the maintenance supervisor, but 12 they call just it something different. Why, I don't
- know but --13
- 14 Q. Okay.
 - A. Yeah. Is that -- is that clear?
- 16 Q. Do you know how it's split? Like
- 17 what -- where you are called field support
- 18 supervisor and where you're called maintenance
- 19 supervisor?
- 20 A. I really don't know. And that's my --21 again, that's my same title that I hold right now.
- 22 So why, I don't know. That's just the way the
- 23 system is.
- 24 Q. Okay.

- was more of a face-to-face, this is what we did.
- 2 And then it's also in our system, you know. Once
 - you go in, you can see what they wrote.
 - Q. Okay. But you also received write-ups?
 - A. I don't receive them, no.
- 6 Q. Okay. Did you see them?
 - A. In the system you can see them. I don't
 - recall visibly looking at them, but I know they are there.
- 10 Q. Okay. Just based on your experience at 11
 - Shell?
 - A. Yeah.

(Exhibit 52 was marked.)

- 14 Q. (BY MS. GURMANKIN) All right. Let's look 15 at what's been marked as Exhibit 52. These are
- reviews that we got from Shell for you from what 16
- 17 appears to be 2012 through 2017. If you could just 18 look through these and let me know if you have seen
- 19 them before.
- 20 A. So just to clarify, it says 2012 to 2019 at 21 the top?
- 22 Q. Yeah, it does. But then if you look at the 23 last page -- are you there?
- 24 A. Yes, ma'am.

	Page 77		Page 79
1	Q. All right. So you see for "Goals and	1	there before, or is this the first time seeing it?
2	Performance Appraisal 2018," it says "No performance	2	A. This is actually the first time I'm seeing
3	appraisal, 2018"?	3	it.
4	A. Okay.	4	Q. Okay. Was that the verbal feedback that
5	Q. You see that?	5	you got?
6	A. Yes.	6	A. The mid-year, yes, I remember the
7	Q. Is that true?	7	conversation and the end of the year. Yeah, that's
8	A. It says it but I don't know if it's true or	8	the mid-year.
9	not.	9	Q. That's the verbal feedback that you got?
10	Q. Okay.	10	A. Yeah, it looks to be that way.
11	A. Yeah, I don't know.	11	MR. TUCKER: Hold on. It looks to be
12	Q. Do you remember getting one?	12	that way or now, let's get
13	A. So that was that transition period. So I	13	MS. GURMANKIN: That's he answered,
14	may not have. I don't remember.	14	Joe.
15	Q. Well, you were promoted into the current	15	THE WITNESS: So it looks like it's the
16	field support supervisor position at the end of	16	mid-year because the only reason why I said
17	2018, right?	17	that
18	A. Uh-huh.	18	MR. TUCKER: Let's talk about what you
19	Q. Yes?	19	know. That's the instruction I'm giving you.
20	MR. TUCKER: Is that a yes?	20	THE WITNESS: Okay.
21	THE WITNESS: Yes. Sorry. I	21	MR. TUCKER: Again, I'm telling you.
22	apologize. Yes.	22	THE WITNESS: Okay. Sorry, Joe.
23	MR. TUCKER: The other the other	23	Q. (BY MS. GURMANKIN) Is that consistent with
24	instruction. You are not having a conversation with	24	the verbal feedback that you received?
	g		and vorbal roodback that you rood rou.
	Page 78		Page 80
1	her. The Court Reporter sitting to your left can	1	A. Yes.
2	only take down verbal and not monosyllabic and head	2	Q. Okay. For 2018 did you receive a pay
3	shrugs	3	increase?
4	THE WITNESS: Okay.	4	A. I don't recall.
5	MR. TUCKER: shoulder gestures. So	5	Q. Did you receive a bonus?
6	you have to keep your answers verbal.	6	A. In 2018?
7	THE WITNESS: You got it. Yes, sir.	7	Q. Uh-huh. For 2018.
8	Q. (BY MS. GURMANKIN) So you were in the	8	A. Yes, I know I did.
9	maintenance supervisor position for Appalachia	9	Q. Okay. And would it be consistent, just
10	during almost all of 2018, right?	10	based on your experience at Shell, to receive a
11	A. Correct.	11	performance evaluation?
12	Q. Okay. Do you recall getting a performance	12	A. Yes.
13	review for that period?	13	Q. As you sit here today, can you recall
14	A. No. I I don't recall if I did or not.	14	having a year where you didn't get a performance
15	Q. You don't recall one way or the other?	15	evaluation since you became a full-time employee?
16	A. Yeah, I don't.	16	A. I don't recall either I don't recall
17	Q. Okay. And then under that it says "Goals	17	that.
18	and Performance Appraisal 2019"?	18	Q. All right. So going back, do you recall
19	A. Yes.	19	having seen any of these performance reviews before?
20	Q. You see that?	20	A. I'm sure I have seen them, but I don't
21	A. Yes.	21	recall specifics.
22	Q. Mid-year?	22	Q. All right. So if we go to page 1.
23	A. Uh-huh.	23	A. Okay.
		1	
24	Q. It says did you ever see what it says	24	Q. This is "Goals and Performance Appraisal

	Page 81		Page 83
1	2012," for you.	1	superintendent.
2	A. Uh-huh.	2	Q. Did you have a reporting relationship to
3	Q. And you see on the first bullet point under	3	him at some point?
4	the HSSE heading, it says, "There have been OSHA	4	A. Probably. So in the yes.
5	recordable incidents on facility projects over the	5	Q. When?
6	last couple of months."	6	A. In the meantime from where I was going from
7	Do you see that?	7	interim superintendent, he was kind of help leading
8	A. I do.	8	that. So he was kind of my mentor to get me up to
9	Q. Do you recall being told that for your 2012	9	speed. But I don't remember a specific date, but it
10	review?	10	was in that time frame that I told you earlier.
11	A. I don't recall.	11	Q. Did you report to him at the same time that
12	Q. Okay. Do you recall that there were OSHA	12	you had a reporting relationship to Bennett?
13	recordable incidents on facility projects?	13	A. So I I don't know, he not really. So
14	A. I don't recall.	14	I stepped in, but he was kind of the mentor guy. So
15	Q. Second bullet point, "All incidents were	15	he was
16	related to activities the contractor was not	16	Q. Ritschel?
		17	
17	supposed to be doing."		A probably handing off yes. He was
18	Ever recall being told that you weren't	18	handing off what Joe Bennett was starting, and then
19	supposed to be doing certain things that were	19	I kind of took over.
20	leading to OSHA-recordable incidents?	20	Q. Okay. So if you look at page 6 of 13,
21	A. I don't recall.	21	"Goals and Performance Appraisal 2013."
22	Q. And the fifth bullet point, "Too much Shell	22	You see that?
23	oversight is making the contractor nervous."	23	A. Yes.
24	Ever recall having that discussion?	24	Q. And if you look at the third bullet point,
	Page 82		Page 84
			1496 01
1	A No I do not know	1	
1 2	A. No, I do not know. Q. So the stuff we went over, you don't recall	1 2	it says, "Attitude is a key to success in this
2	Q. So the stuff we went over, you don't recall	2	it says, "Attitude is a key to success in this environment and your leadership in this regard is
2	Q. So the stuff we went over, you don't recall that being told to you as part of your performance	2	it says, "Attitude is a key to success in this environment and your leadership in this regard is very transparent to your troops. Consider your role
2 3 4	Q. So the stuff we went over, you don't recall that being told to you as part of your performance review?	2 3 4	it says, "Attitude is a key to success in this environment and your leadership in this regard is very transparent to your troops. Consider your role and how effective you currently are. Challenge
2 3 4 5	Q. So the stuff we went over, you don't recall that being told to you as part of your performance review?A. That's correct.	2 3 4 5	it says, "Attitude is a key to success in this environment and your leadership in this regard is very transparent to your troops. Consider your role and how effective you currently are. Challenge yourself. Don't get distracted by stuff out of your
2 3 4 5 6	 Q. So the stuff we went over, you don't recall that being told to you as part of your performance review? A. That's correct. Q. Or any or at any point in 2012? 	2 3 4 5 6	it says, "Attitude is a key to success in this environment and your leadership in this regard is very transparent to your troops. Consider your role and how effective you currently are. Challenge yourself. Don't get distracted by stuff out of your control."
2 3 4 5 6 7	 Q. So the stuff we went over, you don't recall that being told to you as part of your performance review? A. That's correct. Q. Or any or at any point in 2012? A. Yeah, I don't recall that. 	2 3 4 5 6 7	it says, "Attitude is a key to success in this environment and your leadership in this regard is very transparent to your troops. Consider your role and how effective you currently are. Challenge yourself. Don't get distracted by stuff out of your control." Do you recall having that discussion as
2 3 4 5 6 7 8	 Q. So the stuff we went over, you don't recall that being told to you as part of your performance review? A. That's correct. Q. Or any or at any point in 2012? A. Yeah, I don't recall that. Q. Do you recall ever having discussions with 	2 3 4 5 6 7 8	it says, "Attitude is a key to success in this environment and your leadership in this regard is very transparent to your troops. Consider your role and how effective you currently are. Challenge yourself. Don't get distracted by stuff out of your control." Do you recall having that discussion as part of your 2013 performance
2 3 4 5 6 7 8	 Q. So the stuff we went over, you don't recall that being told to you as part of your performance review? A. That's correct. Q. Or any or at any point in 2012? A. Yeah, I don't recall that. Q. Do you recall ever having discussions with Bennett along those lines? 	2 3 4 5 6 7 8	it says, "Attitude is a key to success in this environment and your leadership in this regard is very transparent to your troops. Consider your role and how effective you currently are. Challenge yourself. Don't get distracted by stuff out of your control." Do you recall having that discussion as part of your 2013 performance A. I do not.
2 3 4 5 6 7 8 9	 Q. So the stuff we went over, you don't recall that being told to you as part of your performance review? A. That's correct. Q. Or any or at any point in 2012? A. Yeah, I don't recall that. Q. Do you recall ever having discussions with Bennett along those lines? A. I don't recall. 	2 3 4 5 6 7 8 9	it says, "Attitude is a key to success in this environment and your leadership in this regard is very transparent to your troops. Consider your role and how effective you currently are. Challenge yourself. Don't get distracted by stuff out of your control." Do you recall having that discussion as part of your 2013 performance A. I do not. Q appraisal?
2 3 4 5 6 7 8 9 10	Q. So the stuff we went over, you don't recall that being told to you as part of your performance review? A. That's correct. Q. Or any or at any point in 2012? A. Yeah, I don't recall that. Q. Do you recall ever having discussions with Bennett along those lines? A. I don't recall. Q. All right. Go to page 6, please. If you	2 3 4 5 6 7 8 9 10	it says, "Attitude is a key to success in this environment and your leadership in this regard is very transparent to your troops. Consider your role and how effective you currently are. Challenge yourself. Don't get distracted by stuff out of your control." Do you recall having that discussion as part of your 2013 performance A. I do not. Q appraisal? MR. TUCKER: Let her finish her
2 3 4 5 6 7 8 9 10 11 12	Q. So the stuff we went over, you don't recall that being told to you as part of your performance review? A. That's correct. Q. Or any or at any point in 2012? A. Yeah, I don't recall that. Q. Do you recall ever having discussions with Bennett along those lines? A. I don't recall. Q. All right. Go to page 6, please. If you look at the top, it looks like there is a note	2 3 4 5 6 7 8 9 10 11	it says, "Attitude is a key to success in this environment and your leadership in this regard is very transparent to your troops. Consider your role and how effective you currently are. Challenge yourself. Don't get distracted by stuff out of your control." Do you recall having that discussion as part of your 2013 performance A. I do not. Q appraisal? MR. TUCKER: Let her finish her question.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. So the stuff we went over, you don't recall that being told to you as part of your performance review? A. That's correct. Q. Or any or at any point in 2012? A. Yeah, I don't recall that. Q. Do you recall ever having discussions with Bennett along those lines? A. I don't recall. Q. All right. Go to page 6, please. If you look at the top, it looks like there is a note that's concluding from Craig MR. TUCKER: What Bates-stamp numbered page is page 6? 6 of 13. I'm sorry. Q. (BY MS. GURMANKIN) So first go to page 5, which is Shell 1382. And you see there is a note at the top that's continued from the prior page from Craig Ritschel? A. On top of page 5? Q. Uh-huh. A. Okay.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	it says, "Attitude is a key to success in this environment and your leadership in this regard is very transparent to your troops. Consider your role and how effective you currently are. Challenge yourself. Don't get distracted by stuff out of your control." Do you recall having that discussion as part of your 2013 performance A. I do not. Q appraisal? MR. TUCKER: Let her finish her question. THE WITNESS: I apologize. Q. (BY MS. GURMANKIN) Do you recall ever being told that? A. I do not recall that. Q. Next page, if you look at the second-to-last paragraph above Ritschel's name that starts with "William, your challenges for 2014." You see where I am? A. I do. Q. It says, "Your challenges for 2014 are

Page 85 Page 87 1 discussions in support of HR, as well as a good Do you know if he was referring to your 1 2 maintenance supervisor position that you started in 2 trust relationship with the majority of his team." 3 3 January of 2014? Do you know what that refers to? 4 4 A. Yeah. He -- I'm -- I'm speculating that he A. I do not. 5 5 was --Q. Had you been asked to provide oversight to MR. TUCKER: Guess what? Do 6 6 sensitive discussions in support of HR around this 7 not -- just stop for a second. If you don't know, 7 time? 8 8 say you don't know. You don't have to speculate. A. I don't recall that. 9 We do not want you to speculate or guess. 9 Q. At any time? 10 THE WITNESS: Okay. 10 A. Yeah -- yeah, no, I don't. 11 MR. TUCKER: This is the last time I'm 11 Q. Next paragraph, "His struggle will be to 12 12 telling you. keep accountability high in his team (example 13 THE WITNESS: All right. 13 Barry), partially from the organization structure 14 Q. (BY MS. GURMANKIN) Is there -- is there 14 (many reports) as well as time to manage marginal anything else that he would be referring to that you 15 15 performers. However, I have seen some coachable can think of? 16 moment events which I believe has been productive." 16 A. No. 17 Who's the Barry that's referred to 17 18 Q. Okay. Just your move to maintenance 18 there? Do you know? 19 supervisor? 19 A. Barry Strayer was the rotating focal point. 20 A. Correct. 20 Q. Were there performance issues with him? 21 Q. Okay. He goes on to say, "Key focus points A. There was. 21 are to lead by example and don't let your technical Q. Did you terminate him at some point? 22 22 23 drawbacks overshadow your ability to lead people. 23 A. I did not terminate him, no. 24 Work with someone on your team to coach and mentor Q. At some point did he leave your group? 24 Page 86 Page 88 1 you with policies and procedures and care for your 1 A. He did, yes. 2 work/life balance as well as able. Delegate and 2 Q. Why? 3 keep your R&Rs at the forefront of what you were 3 A. Organization restructure. 4 hired to do. Let me know if there is anything I can 4 Q. Did he go into another group at Shell? 5 5 do to assist you at any time." A. I don't know. 6 Do you recall being told that as part 6 Q. You don't know what happened to him? 7 of your 2013 performance appraisal? 7 A. No, ma'am. 8 A. No, I do not. 8 Q. So at some point you are told he's leaving Q. Ever been told that you had technical 9 your group, but you don't know what happens after 9 10 10 drawbacks? that? 11 A. Not that I recall. 11 A. No. 12 Q. There is a reference to plural marginal 12 Q. Do you know what he's referring to there? performers. Was there anyone else other than Barry 13 A. I do not. 13 14 Q. Next page. In the second-to-last paragraph 14 that was having performance issues? above the July 7, 2014, you see where I am? 15 15 A. I don't recall. 16 A. Chris Andersen? 16 Q. Next page, first full paragraph from the 17 17 Q. Yeah. Two paragraphs above that. top, there is a sentence around the middle that 18 A. Okav. 18 starts with "He also needs to look at big picture." MR. TUCKER: "Will has a high trust 19 19 You see that? 20 status"? 20 MR. TUCKER: Can you hold on? The MS. GURMANKIN: Yep. paragraph that starts with "Will is very positive"? 21 21 Q. (BY MS. GURMANKIN) "Will has a high trust MS. GURMANKIN: Uh-huh. 22 22 status within the organization, as he has been asked MR. TUCKER: What line? 23 23 to provide 'oversight' to some very sensitive 24 MS. GURMANKIN: "He also needs to look 24

	Page 89		Page 91
1	at big picture."	1	business performance this year has been getting rid
2	MR. TUCKER: Sixth line down.	2	of Barry and replacing him with Brian."
3	A. Okay.	3	A. Okay.
4	Q. (BY MS. GURMANKIN) "He also needs to look	4	Q. Did you ever get feedback that you had been
5	at big picture when emergency work comes up. Sit	5	hard on some folks?
6	back, understand and think through the identified	6	A. Not that I recall.
7	issue before executing urgent work, which is	7	Q. The last sentence about getting rid of
8	costly." I'll stop there for a sec.	8	Barry, does that refresh your recollection at all
9	Do you know what that refers to?	9	about what happened to him?
10	A. Not specifically, no.	10	A. So they did a reorg, and Brian came and
11	Q. Generally?	11	replaced him, Brian Gillespie.
12	A. No.	12	Q. But that doesn't refresh your recollection
13	Q. Do you recall being told that?	13	about what happened to Barry?
14	A. I don't recall it.	14	A. Yeah, I don't know what he did.
15	Q. Last sentence says, "The strength of the	15	MR. TUCKER: That was her original
16	relationship he has with Mark is key to the success	16	question.
17	of these efforts."	17	Q. (BY MS. GURMANKIN) Next page.
18	Is that Mark Hoover? Do you know?	18	A. Yes, correct.
19	A. I'm assuming so.	19	Page 10?
20	Q. He's the only Mark that that could refer	20	Q. Uh-huh.
21	to?	21	A. Okay.
22	A. Yes.	22	Q. All right. Looking at the "Goals and
23	Q. Who is Mark Hoover?	23	Performance Appraisal 2015," under "Opportunities."
24	A. Mark Hoover was operations supervisor.	24	Do you see where I am?
			•
	Page 90		- 00
	rage 30		Page 92
1	Q. Okay. Was that during	1	Page 92 A. Okay.
1 2		1 2	
	Q. Okay. Was that during		A. Okay.
2	Q. Okay. Was that during A. Well, let me recant.	2	A. Okay. Q. Says, "Several of Will's staff provided him
2	Q. Okay. Was that duringA. Well, let me recant.Q. Sure.	2 3	A. Okay. Q. Says, "Several of Will's staff provided him opportunities to practice his people management
2 3 4	Q. Okay. Was that duringA. Well, let me recant.Q. Sure.A. So he was the flowback supervisor and then	2 3 4	A. Okay. Q. Says, "Several of Will's staff provided him opportunities to practice his people management skills. Active listening and seeking to understand
2 3 4 5	 Q. Okay. Was that during A. Well, let me recant. Q. Sure. A. So he was the flowback supervisor and then moved over to the operations supervisor. So I just 	2 3 4 5	A. Okay. Q. Says, "Several of Will's staff provided him opportunities to practice his people management skills. Active listening and seeking to understand first, then providing constructive feedback will
2 3 4 5 6	 Q. Okay. Was that during A. Well, let me recant. Q. Sure. A. So he was the flowback supervisor and then moved over to the operations supervisor. So I just wanted to make sure that was known. 	2 3 4 5 6	A. Okay. Q. Says, "Several of Will's staff provided him opportunities to practice his people management skills. Active listening and seeking to understand first, then providing constructive feedback will help such employees improve." I'll stop there for a
2 3 4 5 6 7	 Q. Okay. Was that during A. Well, let me recant. Q. Sure. A. So he was the flowback supervisor and then moved over to the operations supervisor. So I just wanted to make sure that was known. Q. Okay. Was that during the whole time that 	2 3 4 5 6 7	A. Okay. Q. Says, "Several of Will's staff provided him opportunities to practice his people management skills. Active listening and seeking to understand first, then providing constructive feedback will help such employees improve." I'll stop there for a sec.
2 3 4 5 6 7 8	 Q. Okay. Was that during A. Well, let me recant. Q. Sure. A. So he was the flowback supervisor and then moved over to the operations supervisor. So I just wanted to make sure that was known. Q. Okay. Was that during the whole time that you were maintenances supervisor? 	2 3 4 5 6 7 8	A. Okay. Q. Says, "Several of Will's staff provided him opportunities to practice his people management skills. Active listening and seeking to understand first, then providing constructive feedback will help such employees improve." I'll stop there for a sec. Do you know do you remember being
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2 3 4 5 6 7 8 9 10	 Q. Okay. Was that during A. Well, let me recant. Q. Sure. A. So he was the flowback supervisor and then moved over to the operations supervisor. So I just wanted to make sure that was known. Q. Okay. Was that during the whole time that you were maintenances supervisor? A. I I honestly don't recall. Q. But you worked with him during the whole time you were maintenance supervisor? 	2 3 4 5 6 7 8 9 10	A. Okay. Q. Says, "Several of Will's staff provided him opportunities to practice his people management skills. Active listening and seeking to understand first, then providing constructive feedback will help such employees improve." I'll stop there for a sec. Do you know do you remember being told that? A. No. Q. Okay. Any idea what that refers to?
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2 3 4 5 6 7 8 9 10 11 12 13	 Q. Okay. Was that during A. Well, let me recant. Q. Sure. A. So he was the flowback supervisor and then moved over to the operations supervisor. So I just wanted to make sure that was known. Q. Okay. Was that during the whole time that you were maintenances supervisor? A. I I honestly don't recall. Q. But you worked with him during the whole time you were maintenance supervisor? A. Yes. Q. The two paragraphs down from that, it says, 	2 3 4 5 6 7 8 9 10 11 12 13	A. Okay. Q. Says, "Several of Will's staff provided him opportunities to practice his people management skills. Active listening and seeking to understand first, then providing constructive feedback will help such employees improve." I'll stop there for a sec. Do you know do you remember being told that? A. No. Q. Okay. Any idea what that refers to? A. No. Q. "On occasion Will can allow his frustration
2 3 4 5 6 7 8 9 10 11 12 13 14	 Q. Okay. Was that during A. Well, let me recant. Q. Sure. A. So he was the flowback supervisor and then moved over to the operations supervisor. So I just wanted to make sure that was known. Q. Okay. Was that during the whole time that you were maintenances supervisor? A. I I honestly don't recall. Q. But you worked with him during the whole time you were maintenance supervisor? A. Yes. Q. The two paragraphs down from that, it says, "His struggle will be." 	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Okay. Q. Says, "Several of Will's staff provided him opportunities to practice his people management skills. Active listening and seeking to understand first, then providing constructive feedback will help such employees improve." I'll stop there for a sec. Do you know do you remember being told that? A. No. Q. Okay. Any idea what that refers to? A. No. Q. "On occasion Will can allow his frustration of certain management skills be communicated outward
2 3 4 5 6 7 8 9 10 11 12 13 14 15	 Q. Okay. Was that during A. Well, let me recant. Q. Sure. A. So he was the flowback supervisor and then moved over to the operations supervisor. So I just wanted to make sure that was known. Q. Okay. Was that during the whole time that you were maintenances supervisor? A. I I honestly don't recall. Q. But you worked with him during the whole time you were maintenance supervisor? A. Yes. Q. The two paragraphs down from that, it says, "His struggle will be." You see where I am? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Okay. Q. Says, "Several of Will's staff provided him opportunities to practice his people management skills. Active listening and seeking to understand first, then providing constructive feedback will help such employees improve." I'll stop there for a sec. Do you know do you remember being told that? A. No. Q. Okay. Any idea what that refers to? A. No. Q. "On occasion Will can allow his frustration of certain management skills be communicated outward to his reports. In a position of leadership it is
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 Q. Okay. Was that during A. Well, let me recant. Q. Sure. A. So he was the flowback supervisor and then moved over to the operations supervisor. So I just wanted to make sure that was known. Q. Okay. Was that during the whole time that you were maintenances supervisor? A. I I honestly don't recall. Q. But you worked with him during the whole time you were maintenance supervisor? A. Yes. Q. The two paragraphs down from that, it says, "His struggle will be." You see where I am? A. Yes. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Okay. Q. Says, "Several of Will's staff provided him opportunities to practice his people management skills. Active listening and seeking to understand first, then providing constructive feedback will help such employees improve." I'll stop there for a sec. Do you know do you remember being told that? A. No. Q. Okay. Any idea what that refers to? A. No. Q. "On occasion Will can allow his frustration of certain management skills be communicated outward to his reports. In a position of leadership it is important to remember the influence you have with
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	 Q. Okay. Was that during A. Well, let me recant. Q. Sure. A. So he was the flowback supervisor and then moved over to the operations supervisor. So I just wanted to make sure that was known. Q. Okay. Was that during the whole time that you were maintenances supervisor? A. I I honestly don't recall. Q. But you worked with him during the whole time you were maintenance supervisor? A. Yes. Q. The two paragraphs down from that, it says, "His struggle will be." You see where I am? A. Yes. Q. "His struggle will be to keep 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Okay. Q. Says, "Several of Will's staff provided him opportunities to practice his people management skills. Active listening and seeking to understand first, then providing constructive feedback will help such employees improve." I'll stop there for a sec. Do you know do you remember being told that? A. No. Q. Okay. Any idea what that refers to? A. No. Q. "On occasion Will can allow his frustration of certain management skills be communicated outward to his reports. In a position of leadership it is important to remember the influence you have with few words that can help or hurt a situation. Focus
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 Q. Okay. Was that during A. Well, let me recant. Q. Sure. A. So he was the flowback supervisor and then moved over to the operations supervisor. So I just wanted to make sure that was known. Q. Okay. Was that during the whole time that you were maintenances supervisor? A. I I honestly don't recall. Q. But you worked with him during the whole time you were maintenance supervisor? A. Yes. Q. The two paragraphs down from that, it says, "His struggle will be." You see where I am? A. Yes. Q. "His struggle will be to keep accountability high in his team, partially from the 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Okay. Q. Says, "Several of Will's staff provided him opportunities to practice his people management skills. Active listening and seeking to understand first, then providing constructive feedback will help such employees improve." I'll stop there for a sec. Do you know do you remember being told that? A. No. Q. Okay. Any idea what that refers to? A. No. Q. "On occasion Will can allow his frustration of certain management skills be communicated outward to his reports. In a position of leadership it is important to remember the influence you have with few words that can help or hurt a situation. Focus observations and insights upward."
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	 Q. Okay. Was that during A. Well, let me recant. Q. Sure. A. So he was the flowback supervisor and then moved over to the operations supervisor. So I just wanted to make sure that was known. Q. Okay. Was that during the whole time that you were maintenances supervisor? A. I I honestly don't recall. Q. But you worked with him during the whole time you were maintenance supervisor? A. Yes. Q. The two paragraphs down from that, it says, "His struggle will be." You see where I am? A. Yes. Q. "His struggle will be to keep accountability high in his team, partially from the organization structure (many reports), however, I 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Okay. Q. Says, "Several of Will's staff provided him opportunities to practice his people management skills. Active listening and seeking to understand first, then providing constructive feedback will help such employees improve." I'll stop there for a sec. Do you know do you remember being told that? A. No. Q. Okay. Any idea what that refers to? A. No. Q. "On occasion Will can allow his frustration of certain management skills be communicated outward to his reports. In a position of leadership it is important to remember the influence you have with few words that can help or hurt a situation. Focus observations and insights upward." Do you remember being told that?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 Q. Okay. Was that during A. Well, let me recant. Q. Sure. A. So he was the flowback supervisor and then moved over to the operations supervisor. So I just wanted to make sure that was known. Q. Okay. Was that during the whole time that you were maintenances supervisor? A. I I honestly don't recall. Q. But you worked with him during the whole time you were maintenance supervisor? A. Yes. Q. The two paragraphs down from that, it says, "His struggle will be." You see where I am? A. Yes. Q. "His struggle will be to keep accountability high in his team, partially from the organization structure (many reports), however, I have seen some positive evidence of managing people 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Okay. Q. Says, "Several of Will's staff provided him opportunities to practice his people management skills. Active listening and seeking to understand first, then providing constructive feedback will help such employees improve." I'll stop there for a sec. Do you know do you remember being told that? A. No. Q. Okay. Any idea what that refers to? A. No. Q. "On occasion Will can allow his frustration of certain management skills be communicated outward to his reports. In a position of leadership it is important to remember the influence you have with few words that can help or hurt a situation. Focus observations and insights upward." Do you remember being told that? A. I do not.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 Q. Okay. Was that during A. Well, let me recant. Q. Sure. A. So he was the flowback supervisor and then moved over to the operations supervisor. So I just wanted to make sure that was known. Q. Okay. Was that during the whole time that you were maintenances supervisor? A. I I honestly don't recall. Q. But you worked with him during the whole time you were maintenance supervisor? A. Yes. Q. The two paragraphs down from that, it says, "His struggle will be." You see where I am? A. Yes. Q. "His struggle will be to keep accountability high in his team, partially from the organization structure (many reports), however, I have seen some positive evidence of managing people performance. Some feedback provided is that Will 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Okay. Q. Says, "Several of Will's staff provided him opportunities to practice his people management skills. Active listening and seeking to understand first, then providing constructive feedback will help such employees improve." I'll stop there for a sec. Do you know do you remember being told that? A. No. Q. Okay. Any idea what that refers to? A. No. Q. "On occasion Will can allow his frustration of certain management skills be communicated outward to his reports. In a position of leadership it is important to remember the influence you have with few words that can help or hurt a situation. Focus observations and insights upward." Do you remember being told that? A. I do not. Q. Do you recall that sometimes you let your
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. Okay. Was that during A. Well, let me recant. Q. Sure. A. So he was the flowback supervisor and then moved over to the operations supervisor. So I just wanted to make sure that was known. Q. Okay. Was that during the whole time that you were maintenances supervisor? A. I I honestly don't recall. Q. But you worked with him during the whole time you were maintenance supervisor? A. Yes. Q. The two paragraphs down from that, it says, "His struggle will be." You see where I am? A. Yes. Q. "His struggle will be to keep accountability high in his team, partially from the organization structure (many reports), however, I have seen some positive evidence of managing people performance. Some feedback provided is that Will has been hard on some folks, but I have seen that he 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Okay. Q. Says, "Several of Will's staff provided him opportunities to practice his people management skills. Active listening and seeking to understand first, then providing constructive feedback will help such employees improve." I'll stop there for a sec. Do you know do you remember being told that? A. No. Q. Okay. Any idea what that refers to? A. No. Q. "On occasion Will can allow his frustration of certain management skills be communicated outward to his reports. In a position of leadership it is important to remember the influence you have with few words that can help or hurt a situation. Focus observations and insights upward." Do you remember being told that? A. I do not. Q. Do you recall that sometimes you let your frustration with certain management styles be

	Page 93		Page 95
1	You may answer.	1	Q. Do you recall being told that as part of
2	A. I do not.	2	your 2016 review?
3	Q. (BY MS. GURMANKIN) Was that a performance	3	A. I don't recall that.
4	issue for you?	4	Q. On page 12, "Goals and performance
5	A. It's written down here, but I don't	5	Appraisal 2017," second paragraph, "Opportunities
6	remember any any details to it.	6	for improvement for Will include continuing to
7	Q. Do you agree that that was a performance	7	deepen his understanding of CI concept and tools and
8	issue for you when you were maintenance supervisor?	8	determine how they can best help the maintenance
9	A. The only thing I can agree to is I see it	9	organization to solve problems and improve the
10	written down. But I don't recall any details.	10	business." I'll stop there for a sec.
11	Q. Right. I'm asking if you thought that was	11	Do you recall being told that as part
12	an opportunity area for you when you were	12	of your 2017
13	maintenance supervisor?	13	A. I do recall that.
14	A. Again, I apologize but I I don't	14	Q. What was that about?
15	remember back that far and I	15	A. So we're right in the middle of LEAN, which
16	Q. Okay.	16	is trying to work out the waste and so we are all
17	A so I can't tell you yes or no. So I'm	17	trying to be practitioners at it, so the more
18	going to say I disagree with what's written down.	18	knowledge I had with it, the better I could be at
19	Q. Page 11, "Goals and Performance Appraisal	19	it.
20	2016." The paragraph right above where it says	20	Q. And then it goes on to say, "At times Will
21	"Steve Craig."	21	can still let his emotions influence his behavior.
22	You see where I am?	22	It is important to address concerns promptly through
23	A. Yes.	23	open communication when they arise."
24	Q. Says, "Areas of growth opportunity in 2017	24	Do you recall being told that?
	Page 94		Page 96
1	include being mindful of how our decisions and	1	A. I do.
2	behaviors as leaders may affect others. Please	2	Q. Okay. What was that about?
3	continue to help raise up the level of	3	A. So in in the concept of LEAN, you know,
4	professionalism across our organization and promote	4	everyone has different ideas of how it should be.
5	a workplace free from harassment and discrimination.	5	And so one person would want it one way, another
6	Also, please work with the maintenance team to focus	6	person would want it the other, and then I would
7	on reducing LOPCs."	7	want it another. So it just gets frustrating trying
8	Do you recall being told that as part	8	to accommodate everyone. And that's what that was
9	of your 2016 review?	9	from.
10	A. No.	10	Q. Was there a specific example that you were
11	Q. Do you know what that refers to?	11	given?
12	A. If I'm no.	12	A. I don't have any specific examples, no.
13	Q. The LOPC, what is that about?	13	Q. Were you given any?
14	A. Loss of primary containment. So if we have	14	A. I think it was a general statement.
15	spills	15	Q. You don't recall Craig giving you any
16	MR. TUCKER: She asked you what LOPC	16	specific examples?
17 18	stands for. You told her.	17 18	A. I don't recall that, no.
19	THE WITNESS: Okay. O (BV MS GURMANKIN) What is that?	19	Q. Do you recall what you were told as part of your 2019 mid-year other than what is written on the
20	Q. (BY MS. GURMANKIN) What is that? A. What is LOPCs?	20	last page of Exhibit 52?
21	Q. Yes. You were just going to explain.	21	A. What page?
22	A. It's it's just where we lose fluid from	22	Q. The last page.
23	a process pipe or containment that wasn't	23	MR. TUCKER: 13?
24	controlled.	24	THE WITNESS: Okay.
Ī			

- 1 MR. TUCKER: Is that what page we are
- 2 on?

6

- 3 MS. GURMANKIN: Yes.
- Q. (BY MS. GURMANKIN) It's what we had looked 4 5 at earlier, when it says that was consistent with
 - the verbal feedback you got, right?
- 7 A. Yeah.
- 8 Q. Do you recall anything else you were told 9 as part of your 2019 mid-year?
- 10 A. Can I read this real quick?
- 11 Q. Sure.
- A. I don't recall anything other than -- than 12
- 13 what's written down.
- 14 Q. How about your 2019 end-of-year review?
- 15 What is the feedback you were given there?
- 16 A. Kind of the same thing, just -- I don't
- 17 remember specifics, so I just know it was kind of
- 18 saying -- yeah, I don't know exactly. I'm going to
- 19 say I don't know.
- 20 Q. You don't remember?
- A. No. 2.1
- Q. When did you get that? 22
- A. I think December 2019. 23
- 24 Q. Okay. So a couple months ago?

- Page 99
- 1 A. So I needed a maintenance analyst. I think
- 2 she was an admin at the time -- or I know she was an 3 admin at the time. We needed a maintenance analyst
- 4 in my group, and I asked Jesse if she wanted to come
- 5 over and start working as a maintenance analyst.
 - Q. And I assume she said yes.
 - A. Yes.

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- 8 Q. Okay. And then what happens in connection 9 with her full-time hire?
- 10 A. What do you mean?
 - Q. What was your involvement after that?
- 12 A. So to get her hired on with Shell, is that
- 13 what you're asking?
 - Q. Uh-huh.
 - A. So we -- we wanted to make a full-time position there. Jesse was a candidate for that full-time position. And so I wanted to make sure that, you know, she put in -- her name in the hat,
- 19 she filled out an application, had interviews and
- 20 then she was a successful candidate. 21
 - Q. Why did you want her for that position?
- MR. TUCKER: Objection. 22 23
 - You may answer.
 - A. She was already doing the capacity in an --

Page 100

Page 98

- 1 A. Yeah.
- 2 Q. And you don't remember anything you were
- 3 told as part of that?
- 4 A. Not to be verbatim, no, ma'am.
- 5 Q. That's okay. Even if it's not verbatim, do
- 6 you remember anything you were told?
 - A. Just that I was performing well, things were going good, high level. That's about it.
 - Q. All right. So you were involved in Jesse
- 10 Barnes' hiring as a full-time employee; is that
- 11 correct?

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- A. That's correct.
- 13 Q. Okay. And before she was hired as a
- 14 full-time employee, you had worked with her in her
- 15 capacity as a contractor?
 - A. Correct.
- 17 Q. What was your involvement in getting her
- 18 hired full-time?
- A. So I'm going to ask you to repeat the 19
- 20 question because I'm looking for what you're looking
- for. So I don't know -- are you asking me how she 21
- 22 came about to be hired, or what are you asking me
- 23 specifically?
 - Q. Sure. Let's start with that.

- in an administrative role. So when I say that,
- 2 it's -- she was already doing a lot of the tasks for
- 3 it, though new to the role. But I knew she -- I
- 4 believed in, you know, her abilities to get that
- 5 done. So I wanted her in that role.
 - Q. (BY MS. GURMANKIN) And what was the basis
- 7 for you believing in her abilities to get the maintenance analyst job done in that role?
- 8
- 9 A. She -- she knows -- she knew the folks 10 there. She had already had a little bit of SAP
 - experience, and I just -- I -- I knew she could do a good job.
 - Q. She performed well in her contractor role?
 - A. Yes.
- 15 Q. Did you have to get approval from anyone at the company to create the role and hire her into it? 16
 - A. Yes.
 - Q. Who did you talk to about that?
- 19 A. So I believe Chris Andersen is the one that
- started this up. So he had to get permission. It's 20 21 a chain thing. So I had to ask Chris; Chris had to
- 22 ask the OM at the time I believe was Greg Larsen;
- 23 and then Greg had to go to HR, and then they all
- 24 kind of compiled. That's how we -- we got the

Page 101 Page 103 1 full-time position posted. 1 full-time? 2 Q. Was anyone else considered? 2 A. I remember some -- some -- some concerns 3 3 A. There was, I believe, one other individual that Chris Andersen had, yes. 4 that was considered. 4 Q. What were his concerns that he expressed to 5 5 Q. Do you remember who that was? A. He didn't -- he didn't give me the details. 6 A. I can't recall her name, but she was from 6 7 out west. 7 He just expressed concern. 8 Q. Was she a contractor at the time? 8 Q. What did he say? 9 9 A. "I express concern with hiring her, if A. She was a full-time Shell employee. 10 Q. Okay. And why did you guys want Jesse? 10 that's what you want to do." 11 MR. TUCKER: Objection. 11 Q. What did you say? A. I said, "I believe so." 12 Q. (BY MS. GURMANKIN) Go ahead. 12 13 A. So the other individual was more qualified, 13 Q. Did you ask what his concerns were? 14 but I don't believe that this individual wanted to 14 A. If he didn't give the details. I wasn't 15 15 move to Willsboro. And Jesse was the more qualified asking. 16 candidate of the other applicants. There was a few 16 Q. Wasn't that something that you wanted to 17 others. I can't remember their names. But Jesse 17 know when you're considering hiring a full-time 18 was more -- more qualified than the others. 18 employee? 19 Q. Where did this other woman live? 19 MR. TUCKER: In general or as it 20 A. I don't know. Somewhere out west. 20 relates to Ms. Barnes? Wyoming, Montana, I'm guessing. THE WITNESS: Yeah. I was kind of --21 21 22 22 Q. How did you know about her? MS. GURMANKIN: In general. 23 23 A. Through Greg Larsen. A. In general maybe. But I -- yeah -- no. I 24 Q. And then when Jesse started full-time, she 24 mean, yes, but I didn't ask. Page 102 Page 104 1 reported to you directly? 1 Q. (BY MS. GURMANKIN) Any explanation --2 A. Correct. 2 MR. TUCKER: The question was in 3 Q. Same as when she was a contractor? 3 general. If you can answer that question. 4 A. If she was a contractor working for me in 4 THE WITNESS: I said yes, yes, maybe. 5 5 the maintenance analyst role? Is that what you're Q. (BY MS. GURMANKIN) Any explanation for why 6 asking? 6 you didn't ask? 7 Q. No. Before she became a full-time employee, 7 A. What's that? 8 did she report directly to you in her role as 8 Q. Any explanation for why you didn't ask 9 contractor? 9 Andersen what he meant? 10 A. Yes, as the maintenance analyst. 10 MR. TUCKER: Objection; asked and 11 Q. Okay. In her maintenance analyst role? 11 answered. 12 A. Yeah. So she was kind of doing the role 12 You may answer it again. 13 prior to becoming full-time. But until that point, 13 A. No indication. I don't recall why I didn't 14 she was an administrative assistant working for 14 ask him. I just know I didn't. 15 someone else. 15 Q. (BY MS. GURMANKIN) Had he given you a 16 Q. Okay. So she did not report to you in her warning about -- or did he ever give you a warning 16 17 admin role. She reported to you in her maintenance 17 about hiring any other employee other than Jesse? 18 analyst role that she was doing? A. Not that I recall. 18 A. Correct. As a contractor. 19 19 Q. Did he mention anything about his concerns 20 Q. Uh-huh. being in connection with the 20 21 A. Yes. 21 A. He did not tell me. 2.2 Q. Before she was hired full-time, at any Q. Did you ever speak with him about the 22 23 point did Chris Andersen give you any warnings or 23 issue? concerns that he had about bringing her on 24 24 A. No, ma'am.

	Page 105		Page 107
1	Q. Did you ever talk to anyone other than	1	Q. Did you just walk up to her and call her a
2	Robin Grouette about that meeting that you mediated?	2	hot blond, or was there a discussion?
3	A. No.	3	A. She asked me a question or actually, I
4	Q. Did you tell anyone at Shell that you	4	asked her a question, and then it came up as a joke.
5	wanted to have a sexual or romantic relationship	5	Q. How did it come up as a joke?
6	with Jesse?	6	A. So we were driving by a grocery store, and
7	A. No.	7	I seen her walking through the parking lot and I
8	Q. Did you?	8	blew the horn. She didn't hear the horn.
9	A. Did I what?	9	And then we she seen us I think it
10	Q. Want to have a sexual or romantic	10	was she seen us at the entrance and she said
11	relationship with her?	11	something, and I said, "Did you see any did you
12	A. No.	12	hear somebody beeping the horn at you?"
13	Q. Did you ever do anything to indicate to her	13	She said, "No."
14	that you did want to have a sexual or romantic	14	And I said, "Well, there was a hot
15	relationship with her?	15	blond walking across the parking lot."
16	A. Absolutely not.	16	And she's like, "Well, who?"
17	Q. Did you think that she was attractive?	17	And I said, "Well, that would be you."
18	A. No.	18	And then we just starting laughing.
19	Q. Did you tell anyone at Shell that you	19	MR. TUCKER: Stop right there. Please.
20	thought she was attractive or pretty or words to	20	Off the record.
21	that effect?	21	THE VIDEOGRAPHER: We are off record.
22	A. No.	22	Time is 10:28 a.m.
23	Q. You sure about that?	23	(Off the record.)
24	A. The only I said I said she was a hot	24	THE VIDEOGRAPHER: We are back on
	Page 106		Page 108
1	blond one time.	1	record. Time is 10:29 a.m.
2	Q. So yes?	2	Q. (BY MS. GURMANKIN) Were you with anyone in
3	A. But it was as a banter manner. I was just	3	the car when you honked at her?
4	joking. That wasn't a physical attraction.	4	A. Yes.
5	Q. Well, that was you did tell someone at	5	Q. Who?
6	Shell that you thought she was attractive or pretty	6	A. Mark Hoover.
7	by calling her a hot blond?	7	Q. Do you recall where you guys were going at
8	A. No.	8	the time?
9	MR. TUCKER: No, that's not what he	9	A. I believe we were coming back from lunch.
10	said. You're mischaracterizing	10	Q. And was she in the parking lot of the
11	Q. (BY MS. GURMANKIN) I'm asking.	11	grocery store?
12	MR. TUCKER: those questions.	12	A. Yes.
13	A. I called her that one day, and I said it to	13	Q. Could you tell whether she was coming or
14	her, not to anyone else.	14	going?
15	Q. (BY MS. GURMANKIN) And when did you say	15	A. I I couldn't tell. I don't recall. I
16	that to her?	16	just remember her being in the parking lot.
17	A. I don't recall the date.	17	Q. How close were you to her when you honked
18	Q. How about the year?	18	at her?
19	A. I don't even recall the year.	19	A. I don't recall. 50 yards maybe.
20	Q. After she started reporting to you	20	Q. So then when you saw her, you said at the
21	full-time?	21	entrance, were you guys coming back in the building
22	A. Yes.	22	together?
23	Q. What was the context?	23	A. Correct.
24	A. As in what?	24	Q. Okay. All three of you?

	Page 109		Page 111
1	A. Yes.	1	A. Kind of.
2	Q. So you thought it was funny when you called	2	Q. When was this?
3	her a hot blond?	3	A. I don't recall exact year or day. I
4	MR. TUCKER: Objection. He said	4	believe it was in 2015 maybe. I'm I'm yeah.
5	"We laughed."	5	Q. Where were you?
6	MS. GURMANKIN: That wasn't my	6	A. We were in Canada.
7	question.	7	Q. Where?
8	Q. (BY MS. GURMANKIN) You thought it was	8	A. In a sports bar. I don't know the name of
9	funny?	9	the bar.
10	A. We all thought it was funny.	10	Q. Where in Canada?
11	Q. How do you know she thought it was funny?	11	A. Calgary.
12	A. Because she laughed.	12	Q. Was that for a conference or meeting?
13	Q. Okay. She was reporting directly to you at	13	A. It was for a face-to-face maintenance
14	the time?	14	meeting, yeah.
15	A. Yes.	15	Q. Other than you and Jesse, was anyone else
16	Q. Did you ever consider that maybe she	16	there from your group?
17	laughed because you were her boss and you thought it	17	A. Ken Foreman.
18	was funny?	18	Q. Anyone else?
19	A. I didn't consider that, no.	19	A. Not from our group, no.
20	Q. And Hoover heard this, correct?	20	Q. This was after she's a full-time employee?
21	A. Yes.	21	A. I don't recall that, if she was a full-time
22	Q. Did you think you calling her a hot blond	22	employee or not.
23	was a violation of Shell's Code of Conduct?	23	Q. All right. And what's the context in which
24	A. No, I do not.	24	you show her a picture of yourself in your
	7. 110, 1 do 110t.	24	you show her a picture of yourself in your
	Page 110		Page 112
1	Q. At the time you did not, correct?	1	compression shorts?
2	A. And I still don't.	2	A. So we were all hanging out and eating and
3	Q. Okay. Do you think you calling her a hot	3	talking and having a good time and folks started
4	blond was a violation of Shell's policies at the	4	talking about back in the day when they were
5	time that you said it?	5	skinnier and doing this and that. And someone
6	A. No, I do not.	6	showed a picture of them boxing, and someone else
7	Q. How about now?	7	showed another picture of them working out. And so
8	A. No.	8	then I showed a picture of myself when I lost
9	Q. Did you ever show Jesse a picture of	9	weight.
	yourself?	10	Q. Who were you with?
10	yoursen:		Q. Will Wele you will!
10	A. I did.	11	A. There was a group of folks there, but I
	•	11 12	A. There was a group of folks there, but I don't know specifically who was there.
11	A. I did. Q. Okay. How many times? A. Just once.	12 13	A. There was a group of folks there, but I don't know specifically who was there. Q. All Shell employees?
11 12 13 14	A. I did.Q. Okay. How many times?A. Just once.Q. Were you in your underwear?	12 13 14	A. There was a group of folks there, but I don't know specifically who was there. Q. All Shell employees? A. I can't even answer that truthfully. I
11 12 13 14 15	A. I did.Q. Okay. How many times?A. Just once.Q. Were you in your underwear?A. No.	12 13 14 15	A. There was a group of folks there, but I don't know specifically who was there.Q. All Shell employees?A. I can't even answer that truthfully. I don't know.
11 12 13 14 15 16	A. I did.Q. Okay. How many times?A. Just once.Q. Were you in your underwear?A. No.Q. What were you in?	12 13 14 15 16	 A. There was a group of folks there, but I don't know specifically who was there. Q. All Shell employees? A. I can't even answer that truthfully. I don't know. Q. Jesse was there?
11 12 13 14 15 16 17	 A. I did. Q. Okay. How many times? A. Just once. Q. Were you in your underwear? A. No. Q. What were you in? A. Compression shorts, workout shorts. 	12 13 14 15 16 17	A. There was a group of folks there, but I don't know specifically who was there. Q. All Shell employees? A. I can't even answer that truthfully. I don't know. Q. Jesse was there? A. Jesse was there.
11 12 13 14 15 16	 A. I did. Q. Okay. How many times? A. Just once. Q. Were you in your underwear? A. No. Q. What were you in? A. Compression shorts, workout shorts. Q. Okay. Were you wearing a shirt? 	12 13 14 15 16 17 18	A. There was a group of folks there, but I don't know specifically who was there. Q. All Shell employees? A. I can't even answer that truthfully. I don't know. Q. Jesse was there? A. Jesse was there. Q. Ken Foreman?
11 12 13 14 15 16 17 18	 A. I did. Q. Okay. How many times? A. Just once. Q. Were you in your underwear? A. No. Q. What were you in? A. Compression shorts, workout shorts. Q. Okay. Were you wearing a shirt? A. No. 	12 13 14 15 16 17 18 19	A. There was a group of folks there, but I don't know specifically who was there. Q. All Shell employees? A. I can't even answer that truthfully. I don't know. Q. Jesse was there? A. Jesse was there. Q. Ken Foreman? A. Ken Foreman was there.
11 12 13 14 15 16 17 18 19 20	 A. I did. Q. Okay. How many times? A. Just once. Q. Were you in your underwear? A. No. Q. What were you in? A. Compression shorts, workout shorts. Q. Okay. Were you wearing a shirt? A. No. Q. Were the shorts tight? 	12 13 14 15 16 17 18 19 20	A. There was a group of folks there, but I don't know specifically who was there. Q. All Shell employees? A. I can't even answer that truthfully. I don't know. Q. Jesse was there? A. Jesse was there. Q. Ken Foreman? A. Ken Foreman was there. Q. Anyone else that you specifically recall
11 12 13 14 15 16 17 18 19 20 21	 A. I did. Q. Okay. How many times? A. Just once. Q. Were you in your underwear? A. No. Q. What were you in? A. Compression shorts, workout shorts. Q. Okay. Were you wearing a shirt? A. No. Q. Were the shorts tight? A. Yes. 	12 13 14 15 16 17 18 19 20 21	A. There was a group of folks there, but I don't know specifically who was there. Q. All Shell employees? A. I can't even answer that truthfully. I don't know. Q. Jesse was there? A. Jesse was there. Q. Ken Foreman? A. Ken Foreman was there. Q. Anyone else that you specifically recall from Shell?
11 12 13 14 15 16 17 18 19 20 21 22	 A. I did. Q. Okay. How many times? A. Just once. Q. Were you in your underwear? A. No. Q. What were you in? A. Compression shorts, workout shorts. Q. Okay. Were you wearing a shirt? A. No. Q. Were the shorts tight? A. Yes. Q. How far down did they go? 	12 13 14 15 16 17 18 19 20 21 22	A. There was a group of folks there, but I don't know specifically who was there. Q. All Shell employees? A. I can't even answer that truthfully. I don't know. Q. Jesse was there? A. Jesse was there. Q. Ken Foreman? A. Ken Foreman was there. Q. Anyone else that you specifically recall from Shell? A. No. And just to be clear, I don't know if
11 12 13 14 15 16 17 18 19 20 21 22 23	 A. I did. Q. Okay. How many times? A. Just once. Q. Were you in your underwear? A. No. Q. What were you in? A. Compression shorts, workout shorts. Q. Okay. Were you wearing a shirt? A. No. Q. Were the shorts tight? A. Yes. Q. How far down did they go? A. Knee level. 	12 13 14 15 16 17 18 19 20 21 22 23	A. There was a group of folks there, but I don't know specifically who was there. Q. All Shell employees? A. I can't even answer that truthfully. I don't know. Q. Jesse was there? A. Jesse was there. Q. Ken Foreman? A. Ken Foreman was there. Q. Anyone else that you specifically recall from Shell? A. No. And just to be clear, I don't know if they were so I know Jesse seen it, but I don't
11 12 13 14 15 16 17 18 19 20 21 22	 A. I did. Q. Okay. How many times? A. Just once. Q. Were you in your underwear? A. No. Q. What were you in? A. Compression shorts, workout shorts. Q. Okay. Were you wearing a shirt? A. No. Q. Were the shorts tight? A. Yes. Q. How far down did they go? 	12 13 14 15 16 17 18 19 20 21 22	A. There was a group of folks there, but I don't know specifically who was there. Q. All Shell employees? A. I can't even answer that truthfully. I don't know. Q. Jesse was there? A. Jesse was there. Q. Ken Foreman? A. Ken Foreman was there. Q. Anyone else that you specifically recall from Shell? A. No. And just to be clear, I don't know if

	Page 113		Page 115
1	Q. Who showed a picture of themselves boxing?	1	were you showing the picture?
2	A. Chad Mouton.	2	A. Just because everyone else was showing
3	Q. Shell employee?	3	pictures. I really have no give you a definition
4	A. Yes.	4	for it. I don't know.
5	Q. What was he wearing in the picture?	5	Q. Any explanation?
6	A. I don't recall. Shorts, workout gear. But	6	A. Other than
7	I don't know if he had a shirt on or not. I don't	7	MR. TUCKER: Go ahead. Other than what
8	recall, to be honest with you.	8	he said thus?
9	Q. Who showed a picture of themselves working	9	Q. (BY MS. GURMANKIN) I'm trying to
10	out?	10	understand. If you were about the same weight as
11	A. An individual, I can't even think of their	11	you were in person at the time that you were in the
12	name.	12	picture, then why would you need to show the picture
13	Q. Shell employee?	13	to show how much weight you lost when they could see
14	A. I don't even know that.	14	you right there?
15	Q. All right. And then after those two showed	15	MR. TUCKER: Objection; asked and
16	their pictures, you show a picture of yourself in	16	answered.
17	compression shorts?	17	You may answer.
18	A. Correct.	18	A. Again, I I have no explanation for it.
19	Q. And why do you show that picture?	19	Q. (BY MS. GURMANKIN) Was it to show Jesse a
20	A. Just to kind of show them	20	picture of yourself with your shirt off?
21	MR. TUCKER: Objection; asked and	21	A. No.
22	answered.	22	Q. Why did you choose that picture?
23	You may answer again.	23	A. I I don't recollect why I chose that
24	THE WITNESS: Sorry.	24	picture.
	,		·
	Page 114		Page 116
1	Page 114 A. I just showed it just to show how much	1	Page 116 Q. Did you have any other pictures of yourself
1 2		1 2	
	A. I just showed it just to show how much		Q. Did you have any other pictures of yourself
2	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from?	2	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt
2	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from? A. Oh, I don't recall that. I don't know.	2 3	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt and shorts that weren't skintight?
2 3 4	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from? A. Oh, I don't recall that. I don't know. Q. So you were you were skinnier in the	2 3 4	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt and shorts that weren't skintight?A. I don't recall that.
2 3 4 5	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from? A. Oh, I don't recall that. I don't know. Q. So you were you were skinnier in the picture?	2 3 4 5	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt and shorts that weren't skintight? A. I don't recall that. MR. TUCKER: Objection to the term "skintight." But you may answer. And why don't you
2 3 4 5 6	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from? A. Oh, I don't recall that. I don't know. Q. So you were you were skinnier in the	2 3 4 5 6	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt and shorts that weren't skintight? A. I don't recall that. MR. TUCKER: Objection to the term "skintight."
2 3 4 5 6 7	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from? A. Oh, I don't recall that. I don't know. Q. So you were you were skinnier in the picture?	2 3 4 5 6 7	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt and shorts that weren't skintight? A. I don't recall that. MR. TUCKER: Objection to the term "skintight." But you may answer. And why don't you slow down after she asks a question so you can give me an opportunity to object.
2 3 4 5 6 7 8	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from? A. Oh, I don't recall that. I don't know. Q. So you were you were skinnier in the picture? A. Yes, ma'am.	2 3 4 5 6 7 8	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt and shorts that weren't skintight? A. I don't recall that. MR. TUCKER: Objection to the term "skintight." But you may answer. And why don't you slow down after she asks a question so you can give me an opportunity to object. THE WITNESS: Okay.
2 3 4 5 6 7 8 9 10	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from? A. Oh, I don't recall that. I don't know. Q. So you were you were skinnier in the picture? A. Yes, ma'am. Q. Okay. Than you were at the time you were showing it? A. It was probably about the same time frame.	2 3 4 5 6 7 8 9 10	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt and shorts that weren't skintight? A. I don't recall that. MR. TUCKER: Objection to the term "skintight." But you may answer. And why don't you slow down after she asks a question so you can give me an opportunity to object.
2 3 4 5 6 7 8 9 10 11 12	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from? A. Oh, I don't recall that. I don't know. Q. So you were you were skinnier in the picture? A. Yes, ma'am. Q. Okay. Than you were at the time you were showing it? A. It was probably about the same time frame. I don't know. But, yeah, I was I was skinnier	2 3 4 5 6 7 8 9 10 11	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt and shorts that weren't skintight? A. I don't recall that. MR. TUCKER: Objection to the term "skintight." But you may answer. And why don't you slow down after she asks a question so you can give me an opportunity to object. THE WITNESS: Okay. Q. (BY MS. GURMANKIN) You said you don't recollect?
2 3 4 5 6 7 8 9 10 11 12 13	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from? A. Oh, I don't recall that. I don't know. Q. So you were you were skinnier in the picture? A. Yes, ma'am. Q. Okay. Than you were at the time you were showing it? A. It was probably about the same time frame. I don't know. But, yeah, I was I was skinnier but not skinnier than the picture, I don't believe.	2 3 4 5 6 7 8 9 10 11 12 13	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt and shorts that weren't skintight? A. I don't recall that. MR. TUCKER: Objection to the term "skintight." But you may answer. And why don't you slow down after she asks a question so you can give me an opportunity to object. THE WITNESS: Okay. Q. (BY MS. GURMANKIN) You said you don't recollect? A. I don't recollect why I did that.
2 3 4 5 6 7 8 9 10 11 12 13 14	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from? A. Oh, I don't recall that. I don't know. Q. So you were you were skinnier in the picture? A. Yes, ma'am. Q. Okay. Than you were at the time you were showing it? A. It was probably about the same time frame. I don't know. But, yeah, I was I was skinnier but not skinnier than the picture, I don't believe. I don't remember.	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt and shorts that weren't skintight? A. I don't recall that. MR. TUCKER: Objection to the term "skintight." But you may answer. And why don't you slow down after she asks a question so you can give me an opportunity to object. THE WITNESS: Okay. Q. (BY MS. GURMANKIN) You said you don't recollect? A. I don't recollect why I did that. Q. Did you look to see if there was any other
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from? A. Oh, I don't recall that. I don't know. Q. So you were you were skinnier in the picture? A. Yes, ma'am. Q. Okay. Than you were at the time you were showing it? A. It was probably about the same time frame. I don't know. But, yeah, I was I was skinnier but not skinnier than the picture, I don't believe. I don't remember. Q. Were you approximately the same weight as	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt and shorts that weren't skintight? A. I don't recall that. MR. TUCKER: Objection to the term "skintight." But you may answer. And why don't you slow down after she asks a question so you can give me an opportunity to object. THE WITNESS: Okay. Q. (BY MS. GURMANKIN) You said you don't recollect? A. I don't recollect why I did that. Q. Did you look to see if there was any other pictures if you wanted to show a picture that had
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from? A. Oh, I don't recall that. I don't know. Q. So you were you were skinnier in the picture? A. Yes, ma'am. Q. Okay. Than you were at the time you were showing it? A. It was probably about the same time frame. I don't know. But, yeah, I was I was skinnier but not skinnier than the picture, I don't believe. I don't remember. Q. Were you approximately the same weight as you were in the picture at the time?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt and shorts that weren't skintight? A. I don't recall that. MR. TUCKER: Objection to the term "skintight." But you may answer. And why don't you slow down after she asks a question so you can give me an opportunity to object. THE WITNESS: Okay. Q. (BY MS. GURMANKIN) You said you don't recollect? A. I don't recollect why I did that. Q. Did you look to see if there was any other pictures if you wanted to show a picture that had you with a shirt on and not in skintight shorts?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from? A. Oh, I don't recall that. I don't know. Q. So you were you were skinnier in the picture? A. Yes, ma'am. Q. Okay. Than you were at the time you were showing it? A. It was probably about the same time frame. I don't know. But, yeah, I was I was skinnier but not skinnier than the picture, I don't believe. I don't remember. Q. Were you approximately the same weight as you were in the picture at the time? A. I think so, yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt and shorts that weren't skintight? A. I don't recall that. MR. TUCKER: Objection to the term "skintight." But you may answer. And why don't you slow down after she asks a question so you can give me an opportunity to object. THE WITNESS: Okay. Q. (BY MS. GURMANKIN) You said you don't recollect? A. I don't recollect why I did that. Q. Did you look to see if there was any other pictures if you wanted to show a picture that had you with a shirt on and not in skintight shorts? A. I don't remember doing that.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from? A. Oh, I don't recall that. I don't know. Q. So you were you were skinnier in the picture? A. Yes, ma'am. Q. Okay. Than you were at the time you were showing it? A. It was probably about the same time frame. I don't know. But, yeah, I was I was skinnier but not skinnier than the picture, I don't believe. I don't remember. Q. Were you approximately the same weight as you were in the picture at the time? A. I think so, yes. Q. Okay. So why were you showing the picture?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt and shorts that weren't skintight? A. I don't recall that. MR. TUCKER: Objection to the term "skintight." But you may answer. And why don't you slow down after she asks a question so you can give me an opportunity to object. THE WITNESS: Okay. Q. (BY MS. GURMANKIN) You said you don't recollect? A. I don't recollect why I did that. Q. Did you look to see if there was any other pictures if you wanted to show a picture that had you with a shirt on and not in skintight shorts? A. I don't remember doing that. Q. Was that the first picture that came up on
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from? A. Oh, I don't recall that. I don't know. Q. So you were you were skinnier in the picture? A. Yes, ma'am. Q. Okay. Than you were at the time you were showing it? A. It was probably about the same time frame. I don't know. But, yeah, I was I was skinnier but not skinnier than the picture, I don't believe. I don't remember. Q. Were you approximately the same weight as you were in the picture at the time? A. I think so, yes. Q. Okay. So why were you showing the picture? A. Just to no, no, I don't remember why. I	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt and shorts that weren't skintight? A. I don't recall that. MR. TUCKER: Objection to the term "skintight." But you may answer. And why don't you slow down after she asks a question so you can give me an opportunity to object. THE WITNESS: Okay. Q. (BY MS. GURMANKIN) You said you don't recollect? A. I don't recollect why I did that. Q. Did you look to see if there was any other pictures if you wanted to show a picture that had you with a shirt on and not in skintight shorts? A. I don't remember doing that. Q. Was that the first picture that came up on your phone?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from? A. Oh, I don't recall that. I don't know. Q. So you were you were skinnier in the picture? A. Yes, ma'am. Q. Okay. Than you were at the time you were showing it? A. It was probably about the same time frame. I don't know. But, yeah, I was I was skinnier but not skinnier than the picture, I don't believe. I don't remember. Q. Were you approximately the same weight as you were in the picture at the time? A. I think so, yes. Q. Okay. So why were you showing the picture? A. Just to no, no, I don't remember why. I just did.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt and shorts that weren't skintight? A. I don't recall that. MR. TUCKER: Objection to the term "skintight." But you may answer. And why don't you slow down after she asks a question so you can give me an opportunity to object. THE WITNESS: Okay. Q. (BY MS. GURMANKIN) You said you don't recollect? A. I don't recollect why I did that. Q. Did you look to see if there was any other pictures if you wanted to show a picture that had you with a shirt on and not in skintight shorts? A. I don't remember doing that. Q. Was that the first picture that came up on your phone? A. I don't recall.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from? A. Oh, I don't recall that. I don't know. Q. So you were you were skinnier in the picture? A. Yes, ma'am. Q. Okay. Than you were at the time you were showing it? A. It was probably about the same time frame. I don't know. But, yeah, I was I was skinnier but not skinnier than the picture, I don't believe. I don't remember. Q. Were you approximately the same weight as you were in the picture at the time? A. I think so, yes. Q. Okay. So why were you showing the picture? A. Just to no, no, I don't remember why. I just did. Q. Well, you said it was to show how much	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt and shorts that weren't skintight? A. I don't recall that. MR. TUCKER: Objection to the term "skintight." But you may answer. And why don't you slow down after she asks a question so you can give me an opportunity to object. THE WITNESS: Okay. Q. (BY MS. GURMANKIN) You said you don't recollect? A. I don't recollect why I did that. Q. Did you look to see if there was any other pictures if you wanted to show a picture that had you with a shirt on and not in skintight shorts? A. I don't remember doing that. Q. Was that the first picture that came up on your phone? A. I don't recall. Q. And who did you show the picture to?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from? A. Oh, I don't recall that. I don't know. Q. So you were you were skinnier in the picture? A. Yes, ma'am. Q. Okay. Than you were at the time you were showing it? A. It was probably about the same time frame. I don't know. But, yeah, I was I was skinnier but not skinnier than the picture, I don't believe. I don't remember. Q. Were you approximately the same weight as you were in the picture at the time? A. I think so, yes. Q. Okay. So why were you showing the picture? A. Just to no, no, I don't remember why. I just did. Q. Well, you said it was to show how much weight you lost, but you were about the same weight	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt and shorts that weren't skintight? A. I don't recall that. MR. TUCKER: Objection to the term "skintight." But you may answer. And why don't you slow down after she asks a question so you can give me an opportunity to object. THE WITNESS: Okay. Q. (BY MS. GURMANKIN) You said you don't recollect? A. I don't recollect why I did that. Q. Did you look to see if there was any other pictures if you wanted to show a picture that had you with a shirt on and not in skintight shorts? A. I don't remember doing that. Q. Was that the first picture that came up on your phone? A. I don't recall. Q. And who did you show the picture to? A. Just the group that was there. I don't
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I just showed it just to show how much weight I lost. Q. (BY MS. GURMANKIN) When was the picture from? When was the picture from? A. Oh, I don't recall that. I don't know. Q. So you were you were skinnier in the picture? A. Yes, ma'am. Q. Okay. Than you were at the time you were showing it? A. It was probably about the same time frame. I don't know. But, yeah, I was I was skinnier but not skinnier than the picture, I don't believe. I don't remember. Q. Were you approximately the same weight as you were in the picture at the time? A. I think so, yes. Q. Okay. So why were you showing the picture? A. Just to no, no, I don't remember why. I just did. Q. Well, you said it was to show how much	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Did you have any other pictures of yourself on your phone in workout gear but wearing a shirt and shorts that weren't skintight? A. I don't recall that. MR. TUCKER: Objection to the term "skintight." But you may answer. And why don't you slow down after she asks a question so you can give me an opportunity to object. THE WITNESS: Okay. Q. (BY MS. GURMANKIN) You said you don't recollect? A. I don't recollect why I did that. Q. Did you look to see if there was any other pictures if you wanted to show a picture that had you with a shirt on and not in skintight shorts? A. I don't remember doing that. Q. Was that the first picture that came up on your phone? A. I don't recall. Q. And who did you show the picture to?

	Page 117		Page 119
1	A. I don't remember.	1	Q. Okay. Do you know why the picture is no
2	Q. But you made sure that she saw the picture?	2	longer on your phone?
3	MR. TUCKER: Objection.	3	A. I do not know why exactly why the
4	A. She saw the picture but I didn't yeah.	4	picture is not on my new phone.
5	Q. (BY MS. GURMANKIN) Anyone say anything	5	Q. Did you ever delete it?
6	when you showed the picture?	6	A. I don't recall doing that.
7	A. No.	7	Q. Were you ever asked to send anyone at Shell
8	Q. And that was on your phone, right?	8	the picture?
9	A. Yes.	9	A. No.
10	Q. How long did you hold it up?	10	Q. And you testified earlier that you thought
11	A. Oh, I don't remember.	11	you had your current phone since around 2013.
12	Q. More than 10 seconds?	12	A. That's correct.
13	A. Just a few seconds.	13	Q. Okay. So it wouldn't have happened so
14	Q. Did you say anything when you held it up?	14	it wouldn't have been lost with you swapping out a
15	A. I don't believe I did.	15	new phone, right?
16	Q. Did you think that was a violation of	16	A. This was my personal phone.
17	Shell's Code of Conduct at the time that you did it?	17	Q. So the one from 2013 was your work phone?
18	A. No, not at the time I did it.	18	A. Yes, ma'am.
19	Q. Do you now?	19	Q. Okay. That Shell pays for?
20	A. No, I do not.	20	A. Correct.
21	Q. Did you think at the time you did it that	21	Q. And you pulled out you showed the
22	it was a violation of Shell's policies?	22	picture on your personal phone?
23	A. No.	23	A. Correct.
24	Q. How about now?	24	Q. Do you still have the one now that you had
	Page 118		7 100
	1490 110		Page 120
1	A. No.	1	as of 2015?
1 2	A. No.	1 2	
			as of 2015?
2	A. No. Q. Did you show Jesse a picture of yourself on	2	as of 2015? A. I do not know that.
2	A. No.Q. Did you show Jesse a picture of yourself on any other occasion?A. I don't believe so.	2	as of 2015? A. I do not know that. Q. You don't know how long you have had your
2 3 4	A. No. Q. Did you show Jesse a picture of yourself on any other occasion?	2 3 4	as of 2015? A. I do not know that. Q. You don't know how long you have had your current one?
2 3 4 5	A. No.Q. Did you show Jesse a picture of yourself on any other occasion?A. I don't believe so.Q. Show anyone else that picture?	2 3 4 5	as of 2015? A. I do not know that. Q. You don't know how long you have had your current one? A. No, I don't.
2 3 4 5 6	 A. No. Q. Did you show Jesse a picture of yourself on any other occasion? A. I don't believe so. Q. Show anyone else that picture? MR. TUCKER: "That picture" referring 	2 3 4 5 6	as of 2015? A. I do not know that. Q. You don't know how long you have had your current one? A. No, I don't. Q. Have you ever checked to see if that
2 3 4 5 6 7	 A. No. Q. Did you show Jesse a picture of yourself on any other occasion? A. I don't believe so. Q. Show anyone else that picture? MR. TUCKER: "That picture" referring to the picture 	2 3 4 5 6 7	as of 2015? A. I do not know that. Q. You don't know how long you have had your current one? A. No, I don't. Q. Have you ever checked to see if that picture is on your phone?
2 3 4 5 6 7 8	 A. No. Q. Did you show Jesse a picture of yourself on any other occasion? A. I don't believe so. Q. Show anyone else that picture? MR. TUCKER: "That picture" referring to the picture MS. GURMANKIN: That he showed at the 	2 3 4 5 6 7 8	as of 2015? A. I do not know that. Q. You don't know how long you have had your current one? A. No, I don't. Q. Have you ever checked to see if that picture is on your phone? A. I've reviewed my pictures, and I know it's
2 3 4 5 6 7 8 9	 A. No. Q. Did you show Jesse a picture of yourself on any other occasion? A. I don't believe so. Q. Show anyone else that picture? MR. TUCKER: "That picture" referring to the picture MS. GURMANKIN: That he showed at the time. 	2 3 4 5 6 7 8	as of 2015? A. I do not know that. Q. You don't know how long you have had your current one? A. No, I don't. Q. Have you ever checked to see if that picture is on your phone? A. I've reviewed my pictures, and I know it's not on there.
2 3 4 5 6 7 8 9	 A. No. Q. Did you show Jesse a picture of yourself on any other occasion? A. I don't believe so. Q. Show anyone else that picture? MR. TUCKER: "That picture" referring to the picture MS. GURMANKIN: That he showed at the time. A. Of my shirt off? 	2 3 4 5 6 7 8 9	as of 2015? A. I do not know that. Q. You don't know how long you have had your current one? A. No, I don't. Q. Have you ever checked to see if that picture is on your phone? A. I've reviewed my pictures, and I know it's not on there. Q. When did you first did you review your
2 3 4 5 6 7 8 9 10	 A. No. Q. Did you show Jesse a picture of yourself on any other occasion? A. I don't believe so. Q. Show anyone else that picture? MR. TUCKER: "That picture" referring to the picture MS. GURMANKIN: That he showed at the time. A. Of my shirt off? Q. (BY MS. GURMANKIN) Yeah. 	2 3 4 5 6 7 8 9 10	as of 2015? A. I do not know that. Q. You don't know how long you have had your current one? A. No, I don't. Q. Have you ever checked to see if that picture is on your phone? A. I've reviewed my pictures, and I know it's not on there. Q. When did you first did you review your pictures specifically to see if that picture was on
2 3 4 5 6 7 8 9 10 11	 A. No. Q. Did you show Jesse a picture of yourself on any other occasion? A. I don't believe so. Q. Show anyone else that picture? MR. TUCKER: "That picture" referring to the picture MS. GURMANKIN: That he showed at the time. A. Of my shirt off? Q. (BY MS. GURMANKIN) Yeah. A. No, I don't believe so. 	2 3 4 5 6 7 8 9 10 11	as of 2015? A. I do not know that. Q. You don't know how long you have had your current one? A. No, I don't. Q. Have you ever checked to see if that picture is on your phone? A. I've reviewed my pictures, and I know it's not on there. Q. When did you first did you review your pictures specifically to see if that picture was on there?
2 3 4 5 6 7 8 9 10 11 12 13	A. No. Q. Did you show Jesse a picture of yourself on any other occasion? A. I don't believe so. Q. Show anyone else that picture? MR. TUCKER: "That picture" referring to the picture MS. GURMANKIN: That he showed at the time. A. Of my shirt off? Q. (BY MS. GURMANKIN) Yeah. A. No, I don't believe so. Q. Do you still have that picture on your phone? A. I do not.	2 3 4 5 6 7 8 9 10 11 12 13	as of 2015? A. I do not know that. Q. You don't know how long you have had your current one? A. No, I don't. Q. Have you ever checked to see if that picture is on your phone? A. I've reviewed my pictures, and I know it's not on there. Q. When did you first did you review your pictures specifically to see if that picture was on there? A. I did, yes. Q. Okay. When was that? A. During the investigation.
2 3 4 5 6 7 8 9 10 11 12 13 14	 A. No. Q. Did you show Jesse a picture of yourself on any other occasion? A. I don't believe so. Q. Show anyone else that picture? MR. TUCKER: "That picture" referring to the picture MS. GURMANKIN: That he showed at the time. A. Of my shirt off? Q. (BY MS. GURMANKIN) Yeah. A. No, I don't believe so. Q. Do you still have that picture on your phone? 	2 3 4 5 6 7 8 9 10 11 12 13 14	as of 2015? A. I do not know that. Q. You don't know how long you have had your current one? A. No, I don't. Q. Have you ever checked to see if that picture is on your phone? A. I've reviewed my pictures, and I know it's not on there. Q. When did you first did you review your pictures specifically to see if that picture was on there? A. I did, yes. Q. Okay. When was that?
2 3 4 5 6 7 8 9 10 11 12 13 14	A. No. Q. Did you show Jesse a picture of yourself on any other occasion? A. I don't believe so. Q. Show anyone else that picture? MR. TUCKER: "That picture" referring to the picture MS. GURMANKIN: That he showed at the time. A. Of my shirt off? Q. (BY MS. GURMANKIN) Yeah. A. No, I don't believe so. Q. Do you still have that picture on your phone? A. I do not.	2 3 4 5 6 7 8 9 10 11 12 13 14	as of 2015? A. I do not know that. Q. You don't know how long you have had your current one? A. No, I don't. Q. Have you ever checked to see if that picture is on your phone? A. I've reviewed my pictures, and I know it's not on there. Q. When did you first did you review your pictures specifically to see if that picture was on there? A. I did, yes. Q. Okay. When was that? A. During the investigation.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. No. Q. Did you show Jesse a picture of yourself on any other occasion? A. I don't believe so. Q. Show anyone else that picture? MR. TUCKER: "That picture" referring to the picture MS. GURMANKIN: That he showed at the time. A. Of my shirt off? Q. (BY MS. GURMANKIN) Yeah. A. No, I don't believe so. Q. Do you still have that picture on your phone? A. I do not. Q. Why not? A. I probably swapped phones then, and it just the picture didn't save I'm going to guess.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	as of 2015? A. I do not know that. Q. You don't know how long you have had your current one? A. No, I don't. Q. Have you ever checked to see if that picture is on your phone? A. I've reviewed my pictures, and I know it's not on there. Q. When did you first did you review your pictures specifically to see if that picture was on there? A. I did, yes. Q. Okay. When was that? A. During the investigation. Q. Was that on your own initiative that you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 A. No. Q. Did you show Jesse a picture of yourself on any other occasion? A. I don't believe so. Q. Show anyone else that picture? MR. TUCKER: "That picture" referring to the picture MS. GURMANKIN: That he showed at the time. A. Of my shirt off? Q. (BY MS. GURMANKIN) Yeah. A. No, I don't believe so. Q. Do you still have that picture on your phone? A. I do not. Q. Why not? A. I probably swapped phones then, and it just the picture didn't save I'm going to guess. Q. Do you have do you know why the picture 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	as of 2015? A. I do not know that. Q. You don't know how long you have had your current one? A. No, I don't. Q. Have you ever checked to see if that picture is on your phone? A. I've reviewed my pictures, and I know it's not on there. Q. When did you first did you review your pictures specifically to see if that picture was on there? A. I did, yes. Q. Okay. When was that? A. During the investigation. Q. Was that on your own initiative that you did that? A. I wanted to show them what the picture showed, yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. No. Q. Did you show Jesse a picture of yourself on any other occasion? A. I don't believe so. Q. Show anyone else that picture? MR. TUCKER: "That picture" referring to the picture MS. GURMANKIN: That he showed at the time. A. Of my shirt off? Q. (BY MS. GURMANKIN) Yeah. A. No, I don't believe so. Q. Do you still have that picture on your phone? A. I do not. Q. Why not? A. I probably swapped phones then, and it just the picture didn't save I'm going to guess. Q. Do you have do you know why the picture is no longer on your phone?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	as of 2015? A. I do not know that. Q. You don't know how long you have had your current one? A. No, I don't. Q. Have you ever checked to see if that picture is on your phone? A. I've reviewed my pictures, and I know it's not on there. Q. When did you first did you review your pictures specifically to see if that picture was on there? A. I did, yes. Q. Okay. When was that? A. During the investigation. Q. Was that on your own initiative that you did that? A. I wanted to show them what the picture showed, yes. Q. Did you tell anyone at Shell that you had
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. No. Q. Did you show Jesse a picture of yourself on any other occasion? A. I don't believe so. Q. Show anyone else that picture? MR. TUCKER: "That picture" referring to the picture MS. GURMANKIN: That he showed at the time. A. Of my shirt off? Q. (BY MS. GURMANKIN) Yeah. A. No, I don't believe so. Q. Do you still have that picture on your phone? A. I do not. Q. Why not? A. I probably swapped phones then, and it just the picture didn't save I'm going to guess. Q. Do you have do you know why the picture is no longer on your phone? A. If I got a new phone, the pictures didn't	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	as of 2015? A. I do not know that. Q. You don't know how long you have had your current one? A. No, I don't. Q. Have you ever checked to see if that picture is on your phone? A. I've reviewed my pictures, and I know it's not on there. Q. When did you first did you review your pictures specifically to see if that picture was on there? A. I did, yes. Q. Okay. When was that? A. During the investigation. Q. Was that on your own initiative that you did that? A. I wanted to show them what the picture showed, yes. Q. Did you tell anyone at Shell that you had done this, that you had checked on your phone but
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. No. Q. Did you show Jesse a picture of yourself on any other occasion? A. I don't believe so. Q. Show anyone else that picture? MR. TUCKER: "That picture" referring to the picture MS. GURMANKIN: That he showed at the time. A. Of my shirt off? Q. (BY MS. GURMANKIN) Yeah. A. No, I don't believe so. Q. Do you still have that picture on your phone? A. I do not. Q. Why not? A. I probably swapped phones then, and it just the picture didn't save I'm going to guess. Q. Do you have do you know why the picture is no longer on your phone? A. If I got a new phone, the pictures didn't translate to the new phone.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	as of 2015? A. I do not know that. Q. You don't know how long you have had your current one? A. No, I don't. Q. Have you ever checked to see if that picture is on your phone? A. I've reviewed my pictures, and I know it's not on there. Q. When did you first did you review your pictures specifically to see if that picture was on there? A. I did, yes. Q. Okay. When was that? A. During the investigation. Q. Was that on your own initiative that you did that? A. I wanted to show them what the picture showed, yes. Q. Did you tell anyone at Shell that you had done this, that you had checked on your phone but the picture was no longer there?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. No. Q. Did you show Jesse a picture of yourself on any other occasion? A. I don't believe so. Q. Show anyone else that picture? MR. TUCKER: "That picture" referring to the picture MS. GURMANKIN: That he showed at the time. A. Of my shirt off? Q. (BY MS. GURMANKIN) Yeah. A. No, I don't believe so. Q. Do you still have that picture on your phone? A. I do not. Q. Why not? A. I probably swapped phones then, and it just the picture didn't save I'm going to guess. Q. Do you have do you know why the picture is no longer on your phone? A. If I got a new phone, the pictures didn't translate to the new phone. Q. Is that why or are you guessing?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	as of 2015? A. I do not know that. Q. You don't know how long you have had your current one? A. No, I don't. Q. Have you ever checked to see if that picture is on your phone? A. I've reviewed my pictures, and I know it's not on there. Q. When did you first did you review your pictures specifically to see if that picture was on there? A. I did, yes. Q. Okay. When was that? A. During the investigation. Q. Was that on your own initiative that you did that? A. I wanted to show them what the picture showed, yes. Q. Did you tell anyone at Shell that you had done this, that you had checked on your phone but the picture was no longer there? A. I did.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. No. Q. Did you show Jesse a picture of yourself on any other occasion? A. I don't believe so. Q. Show anyone else that picture? MR. TUCKER: "That picture" referring to the picture MS. GURMANKIN: That he showed at the time. A. Of my shirt off? Q. (BY MS. GURMANKIN) Yeah. A. No, I don't believe so. Q. Do you still have that picture on your phone? A. I do not. Q. Why not? A. I probably swapped phones then, and it just the picture didn't save I'm going to guess. Q. Do you have do you know why the picture is no longer on your phone? A. If I got a new phone, the pictures didn't translate to the new phone.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	as of 2015? A. I do not know that. Q. You don't know how long you have had your current one? A. No, I don't. Q. Have you ever checked to see if that picture is on your phone? A. I've reviewed my pictures, and I know it's not on there. Q. When did you first did you review your pictures specifically to see if that picture was on there? A. I did, yes. Q. Okay. When was that? A. During the investigation. Q. Was that on your own initiative that you did that? A. I wanted to show them what the picture showed, yes. Q. Did you tell anyone at Shell that you had done this, that you had checked on your phone but the picture was no longer there?

Page 124

Page 121 1 MR. TUCKER: Other than counsel, who 2 did you tell? 3 A. I believe I told Megan -- I can't pronounce 4 her last name. 5 Q. (BY MS. GURMANKIN) Kloosterman? 6 A. Yeah. 7 Q. Anyone else? 8 A. No. 9 Q. And you told her in the context of the 10 investigation? 11 A. Correct. 12 Q. Did you do anything to see if you could 13 retrieve the picture? 14 A. No. I don't believe I did. 15 Q. Was that a picture you had taken?

16 A. Yes, selfie. Q. Did you ever tell Jesse that she makes good 17 money for a woman or words to that effect? 18 19

A. I did.

Q. When was that?

A. I believe it was during her mid-year. 21

22 Q. Which year?

A. 2016. 23

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Q. Tell me the context in which you said that.

A. No.

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Q. So why would you say, "For a woman you are making good money"? Why did you put it in that context?

5 MR. TUCKER: Objection. He gave a 6 prior answer to -- as the whole context of the 7 conversation.

> Q. (BY MS. GURMANKIN) Why did you qualify it with "for a woman"?

10 A. There is no specific reason why I did that.

> Q. Did you think women should be grateful for making any money that they were able to make?

> > MR. TUCKER: Objection.

A. Yeah, I -- say the question again.

Q. (BY MS. GURMANKIN) Yeah. Did you think women should just be -- did you think Jesse as a woman should just be grateful for having a job at Shell?

A. No, absolutely not.

Q. So why would you qualify telling her "You are making good money for a woman"? Why wouldn't you just say, You are making good money as a maintenance analyst?

MR. TUCKER: Objection.

Page 122

1 A. So she was, you know, talking about money, 2 you know, wished she had, you know, made more money. And I just referenced, I said, "Look, you're young 3 4 in your career. My wife is an RN and doesn't make 5 as much money as you do right now." 6

It was just -- it was more to console her with a relationship that we had back and forth. I mean, this is why I said what I did, right? So just trying to make sure that she understood like, you know, this is a good thing. You are going to keep growing in the company. So that was the contents.

Q. So tell me what you said.

MR. TUCKER: Other than what he's just

15 said? 16

A. I just -- yeah.

Q. (BY MS. GURMANKIN) What did you say about her making good money for a woman?

A. That was it. I said, "For a woman you are making good money." And then I referenced my wife as a reference point. She's an RN and doesn't make the money that she was making at the time.

Q. Why would you compare it -- did your wife work at Shell at the time?

You may answer.

A. Poor choice of words.

Q. (BY MS. GURMANKIN) Why wouldn't you just say, You are making good money for a Shell employee?

A. Again, poor choice of words.

Q. Did you ever tell a man at Shell, You are making good money for a man?

A. I don't recall.

Q. Do you agree that that comment is sexist? 9

11 Q. Why didn't you compare Jesse to a male 12 employee at Shell when you are talking about her 13 compensation?

A. As in what?

15 Q. When you are talking about her compensation, why wouldn't you compare her to a male 16 17 employee at Shell instead of a female employee who 18 doesn't work at Shell?

> A. Well, again, other than the poor decision, I thought it was just relevant. I wanted her to understand what my wife was making and what she was making, just kind of comparing the two. Just trying to help for that -- you know, because we had that relationship back and forth, I just wanted her to

Page 125 know, like, this is okay. Let's just work through 1 1 2 it. 2 Q. Well, how would it help her to feel better 3 3 about her compensation to know what your wife, who 4 4 doesn't work at Shell, was making? 5 5 6 A. I was just thinking it was in comparison. 6 7 That's all. 7 8 8 Q. Did you -- was there a male employee that 9 you knew of who was making less than Jesse and doing 9 10 her responsibilities? 10 11 A. I believe there is, yes. 11 Q. Then why didn't you use that person as an 12 12 13 example instead of a woman who worked outside of the 13 14 company? 14 15 15 A. Well, it's not company policy to share, you 16 know, who makes what with the company. So my wife, 16 17 being noncompany related, it just made sense to me 17 (END OF CONFIDENTIAL TESTIMONY.) 18 to bring that up. 18 Q. When you had told Jesse that she makes good 19 19 money for a woman, did you think that was a Q. You could have just said there are other 20 maintenance analysts who are earning less than you. 20 violation of Shell's Code of Conduct? 21 That wouldn't give up any secret information, would MR. TUCKER: We can agree that starting 21 22 it? 22 this question, the confidentiality portion is no 23 MR. TUCKER: Objection. 23 longer marked. 24 Q. (BY MS. GURMANKIN) Right? 24 MS. GURMANKIN: Correct. Thank you. Page 126 Page 128 1 MR. TUCKER: Objection; he said why he 1 MR. TUCKER: Can you read back the 2 can't -- couldn't say that, Counsel. 2 question so he can answer, please? 3 MS. GURMANKIN: That's not my question. 3 MS. GURMANKIN: I got it. 4 Q. (BY MS. GURMANKIN) You could have said, 4 Q. (BY MS. GURMANKIN) At the time that you 5 5 There are other maintenance analysts making less told Jesse, "For a woman you are making good money," 6 than you, right? 6 did you think that was a violation of Shell's Code 7 MR. TUCKER: No. Objection. 7 of Conduct? 8 8 A. No. You may answer. 9 A. There was no other maintenance analysts 9 Q. Do you now? 10 that I knew of making less than her. I was 10 A. No. 11 referencing another individual doing a similar role 11 Q. At the time you said it, did you think it 12 that made less than she did. 12 was a violation of Shell's policies? (BEGINNING OF CONFIDENTIAL TESTIMONY.) 13 13 A. No. 14 Q. Do you now? 14 15 15 A. No. 16 Q. Did you ever tell Jesse that she works well 16 17 17 with male employees because she's a girl? 18 A. I have. 18 19 19 Q. When was that? 20 A. I don't -- I can't remember the date. 20 21 21 Q. Do you remember the year? 22 22 A. No. not -- no. 23 23 Q. Was that after she was full-time? 24 A. I don't even recall that.

	Page 129	Page 1	31
1	Q. Okay. What's the context?	1 Q. Okay. Other than being super nice, were	
2	A. So she to get more work out of some of	there any other ways in which she flirted?	
3	the field crews out there in the field so most of	A. I still don't understand what you are	
4	those guys who come in, you know, they are just	4 asking me.	
5	grumpy in nature. And, you know, she would always	5 Q. How was she super nice? How did she flirt	
6	come to me like, you know, "Hey, Tim Brueilly would	6 in a way that made her super nice?	
7	do this for me, but he wouldn't do it for you."	A. So she would if the guys would come up,	
8	And so I said, "Well, that's because	8 she would, you know, smile real big, you know, bat	
9	you are a woman. They are going to be nicer to you	9 her eyes at them and just ask them, you know, what	
10	than they are me."	she wanted from them. You know, ask something from	m
11	Q. Did you call her a girl or a woman?	11 them.	
12	A. I probably said "woman," but I don't	12 Q. So she'd smile real big?	
13	recall.	13 A. Yes.	
14	Q. Could have been girl?	14 Q. Bat her eyes?	
15	A. Could have been but I'm thinking it was a	15 A. Yes.	
16	woman, but	16 Q. And ask them what they wanted?	
17	Q. And why did you think she could get more	17 A. Yeah, ask, you know, whatever she was	
18	out of the guys than you because of her sex?	18 wanting them to do.	
19	A. Because she just kind of flirted with them,	19 Q. Was that last part her flirting?	
20	was super nice to them, and they just bought into	20 A. I take it as flirting, yes.	
21	that.	21 Q. Why?	
22		22 A. No particular reason.	
23	Q. Was her being super nice flirting, or are	23 Q. Because she's a woman?	
24	they two different things, her flirting and being		
24	super nice?	A. Just because being extremely nice, getting	
	Page 130	Page 1:	32
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1 2	A. So it's I would say flirting.	them guys to do what they want. But not becau-	
	A. So it's I would say flirting.Q. Okay. So super nice was incorporated into	them guys to do what they want. But not because she's a woman, just because that's what it is.	
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Page 133 Q. You said yes. How did she flirt with you? A. She would just try to get —she would do the same thing. Bat her eyes, Flease, Will." Just kind of, you know, just bat her eyes, smile real big. Dig. Q. Any other ways in which she flirted with you? A. A. No. Q. Did you think that she wanted to have a romantic or sexual relationship with you? A. No. Q. Did you think that she wanted to have a romantic or sexual relationship with you? A. No. Q. Did you think she was acting A. No. Q. Did you think she was acting A. No. Q. Old you think she was acting A. No. A. No. A. No. A. No. A. No. A. Oh, I'm sure guys do, but I don't recall B. the guys doing it. B. the guys doing it. B. the guys doing it. C. Q. And other female employees who you saw firting at Shell? A. No. A. N				
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the same thing. Bat her eyes, "Please, Will." Just kind of, you know, just bat her eyes, smile real big. Q. Any other ways in which she flirted with you? A. No. Q. Did you think that she wanted to have a romantic or sexual relationship with you? A. I don't believe so. Q. Did you think she was acting 10 you believe so. A. No. Q. Did you think she was acting 11 your own and the sexual relationship with you? A. I don't believe so. Q. Did you think she was acting 12 yill your work well with the male employees because she's a girl inappropriately? A. No. Q. Did you think she was acting 12 yill your work. A. No. Q. Did you think she was acting 13 inappropriately? A. No. Q. On word of the sexual relationship with you? A. No. Q. On word of the sexual relationship with you? A. Oh, I'm sure guys do, but I don't recall the guys doing it. Q. Okay. You just recall Jesse? Q. Any other female employees who you saw firting at Shell? Q. Any other female employees who you saw firting at Shell? A. No. Page 134 A. No. Page 136 A. No. Page 136 A. No. Page 136 A. No. Page 136 A. No. Page 137 A. No. Page 138 A. No. Page 139 A. No. Page 139 A. No. Page 134 A. No. Page 136 A. No. Page 136 A. No. Page 136 A. No. Page 136 A. No. Page 137 A. No. Page 137 A. No. Page 138 A. No. Page 138 A. No. Page 139 A. No. Page 139 A. No. Page 130 A. No. Page 134 A. No. Page 136 A. No. Page 136 A. No. Page 136 A. No. Page 137 A. No. Page 137 A. No. Page 138 A. No. Page 138 A. No. Page 139 A. No. Page 139 A. No. Page 139 A. No. Page 130 A. No. Page 136 A. No. Page 136 A. No. Page 136 A. No. Page 137 A. No. Page 137 A. No. Page 138 A. No. Page 139 A. No. Page 139 A. No. Page 139 A. No. Page 139 A. No. Page 136 A. No. Page 136 A. No. Page 136 A. No. Page 137 A. No. Page 136 A. No. Page 137 A. No. Page 137 A. No. Page 149 A. No. Page 149 A. No.	1	Q. You said yes. How did she flirt with you?	1	Q. Did you ever see her wear tight pants?
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5 big. 6 Q. Any other ways in which she flirted with 7 you? 8 A. No. 9 Q. Did you think that she wanted to have a 10 romantic or sexual relationship with you? 11 A. I don't believe so. 12 Q. Did you think she was acting 13 inappropriately? 13 A. No. 15 Q. You ever see guys flirt at Shell or just 14 A. No. 15 Q. You ever see guys flirt at Shell or just 16 Jesse? 17 A. Oh, I'm sure guys do, but I don't recall 18 the guys doing it. 19 Q. Okay. You just recall Jesse? 19 A. Yes. 20 A. You fire female employees who you saw flirt glist at Shell or just 21 glirting at Shell? 22 A. No. 23 Q. How about contractors? 24 Q. How about contractors? 25 A. No. 26 Q. And other than smilling real big and batting her eyes, any other ways that she flirted with you? 27 A. No. 28 A. No. 29 Q. And other than smilling real big and batting her eyes, any other ways that she flirted with you? 30 A. No. 31 A. No. 42 Q. And other than smilling real big and batting her eyes, any other ways that she flirted with you? 43 MR. TUCKER: Objection. He also said, and it's reflected on the video record but not on the Court - not on the Court Reporter's record, She - he mimicked a sing-songy voice in which she spoke to him. It's shown on the video but not on the Court - not on the Court Reporter's record. So I think that's a mising-snogy voice in which she spoke to him. It's shown on the video but not an the Court - not on the Court Reporter's record. So I think that's a mising-snogy voice in which she spoke to him. It's shown on the video but not on the Court - not on the Court Reporter's record. So I think that's a mising-snogy voice in which she spoke to him. It's shown on the video but not on the Court - not on the Court Reporter's record. So I think that's a mising-snogy voice in which she spoke to him. It's shown on the video but not on the Court - not on the Court Reporter's record. So I think that's a mising-snogy voice in which she spoke to him. It's shown on the video but not on the Court - not on the Court Reporter's record. So I think that	3	the same thing. Bat her eyes, "Please, Will." Just	3	Q. Did you think that was inappropriate?
G. Any other ways in which she fiirted with you? A. No. Did you think that she wanted to have a committed or several relationship with you? A. I don't believe so. Did you think she was acting to proportion the state of the search of the	4	kind of, you know, just bat her eyes, smile real	4	A. No.
7 you? 8 A. No. 9 Q. Did you think that she wanted to have a romantic or sexual relationship with you? 11 A. I don't believe so. 12 Q. Did you think she was acting 13 inappropriately? 13 inappropriately? 14 A. No. 15 Q. You ever see guys flirt at Shell or just 15 Jesse? 17 A. Oh, I'm sure guys do, but I don't recall 18 the guys doing it. 19 Q. Okay. You just recall Jesse? 20 A. Yes. 21 Q. Any other female employees who you saw 22 flirting at Shell? 23 A. No. 24 Q. How about contractors? 24 A. No. 25 Q. And other than smiling real big and batting 26 her eyes, any other ways that she filtred with you? 27 A. No. 28 A. No. 29 Q. And other than smiling real big and batting 3 her eyes, any other ways that she filtred with you? 4 M. RT. TUCKER: Go ahead. 5 and it's reflected on the video record but not on 6 the Court Reporter's record, she – he mimicked a singhappropriately and it's reflected on the video record but not on 6 the Court Reporter's record. So I think that's a mischaracterization. 10 Q. I'd you were touch Jesse? 11 A. No. that I can think of. 12 Q. Did you to were touch her ways that she fifted with you? 13 A. Not that I can think of. 14 Q. Did she ever touch a male employee that you saw? 15 A. Not that I can think of. 16 Q. Did she ever touch a male employee? 17 A. Did it ever touch a male employee? 18 A. Did I ever touch a male employee? 19 A. Did it ever touch a male employee? 20 A. Jindy the way out think it was a probable touch a male employee? 21 A. No. Did she ever touch a male employee? 22 A. No. Did she ever touch a male employee? 23 O, Did you saw? 24 A. I don't recall. I don't know. 25 O, Did you touch her inadvertently? 26 A. A gain, I don't recall it way have a load to touch a male employee? 27 A. A lon't recall that. 28 Delta four and the singhappropriately, in your opinion? 29 O, Did she ever dress inappropriately, in your opinion? 20 O, Did she ever dress inappropriately, in your opinion? 20 O, Did she ever dress inappropriately, in your opinion? 21 O, Did she ever dress inappropriately, i	5	big.	5	Q. Did you ever see her shirts that showed off
8 A. No. 9 Q. Did you think that she wanted to have a lord romaint or sexual relationship with you? 11 A. I don't believe so. 12 Q. Did you think she was acting in inappropriately? 13 inappropriately? 14 A. No. 15 Q. You ever see guys flirt at Shell or just list believe so. 16 Jesse? 17 A. Oh, I'm sure guys do, but I don't recall the guys doing it. 18 the guys doing it. 19 Q. Okay. You just recall Jesse? 20 A. Yes. 21 Q. Any other female employees who you saw fliring at Shell? 22 G. Any other female employees who you saw fliring at Shell? 23 A. No. 24 Q. How about contractors? Page 134 1 A. No. 24 Q. How about contractors? Page 134 1 A. No. 25 Q. And other than smilling real big and batting her eyes, any other ways that she flirted with you? 26 A. MR. TUCKER: Objection. He also said, sand it's reflected on the video record but not on the Court Reporter's record, shehe minicked a sing-songy voice in which she spoke to him. It's shown on the video but not on the Court Reporter's record. So I think that's a mischaracterization. 16 Q. Did she ever touch a male employee that you saw? 17 A. Not that I can think of. 18 A. Not that I can think of. 19 Q. Did she ever touch a male employee that you sway? 20 A. No. Did she ever touch a male employee that you sway? 21 A. I don't recall. I was a inadvertently? 22 A. No. Did she ever touch a male employee that you sway? 23 A. I don't recall that. 24 Q. Did she ever fouch a male employee that you sway? 25 A. Did I see ver fouch a male employee that you sway? 26 A. Joon't see that with my hands a lot. 27 A. And so the recall that. 28 A. Did I see ver fouch a male employee that you sway? 29 A. Did she ever fouch a male employee that you sway? 20 A. A gain, I don't recall. I don't know. 21 A. Joon't recall that. 22 Q. Did you ceall it was inadvertently touched her on the arm of near or the rank in think thing hy hands a lot. 29 A. Jon't even the arm of the male individual to the court on the male individual that was a violation of Shell's policies at the time you said it?	6	Q. Any other ways in which she flirted with	6	her cleavage?
9 Q. Did you think that she wanted to have a romantic or sexual relationship with you? 11 A. I don't believe so. 2 Q. Did you think she was acting inappropriately? 13 inappropriately? 14 A. No. 15 Q. You ever see guys flirt at Shell or just 15 Jesse? 16 Jesse? 17 A. Oh, I'm sure guys do, but I don't recall 16 the guys doing it. 18 the guys doing it. 19 Q. Okay. You just recall Jesse? 20 A. Yes. 21 Q. Any other female employees who you saw flirting at Shell? 22 A. No. 23 Q. How about contractors? 24 Q. How about contractors? 25 A. No. 26 Q. And other than smilling real big and batting 2 her eyes, any other ways that she flirted with you? 26 A. No. 27 A. No. 28 Q. And other than smilling real big and batting 3 her eyes, any other ways that she flirted with you? 4 MR TUCKER: Objection. He also said, 4 mand it's reflected on the video record but not on 6 the Court Reporter's record, she – he mimicked a 5 sing-songy voice in which she spoke to him. It's 8 shown on the video but not on the Court — not on 9 the Court Reporter's record. So I think that's a mischaracterization. 4 Q. By MS. GURMANKIN) Any other ways that she flirted with you? 4 A. No. 4 MR TUCKER: Objection. He also said, 4 shown on the video but not on the Court — not on 6 the Court Reporter's record, she – he mimicked a 7 sing-songy voice in which she spoke to him. It's 8 shown on the video but not on the Court — not on 6 the Court Reporter's record. So I think that's a 9 A. I don't know that. 10 Q. By MS. GURMANKIN) Any other ways that she flirted with you? 11 Q. Did she ever touch a male employee that you 5 that you saw? 12 A. No. Did she ever touch a male employee that you 5 that you saw? 13 A. Do. Did she ever touch a male employee 14 A. Did she ever touch a male employee 15 that you saw? 14 A. I don't recall specifics. 16 Q. Did she ever touch a male employee 17 Where on the arm of hand. 20 Louche her on the arm o	7	you?	7	MR. TUCKER: Go ahead.
romantic or sexual relationship with you? A. I don't believe so. Did you think she was acting inappropriately? A. No. You ever see guys flirt at Shell or just Jesse? A. Oh, I'm sure guys do, but I don't recall the guys doing it. Q. Okay. You just recall Jesse? A. Yes. A. No. Page 134 A. No. A. No. Page 134 A. No. Page 134 A. No. Page 134 A. No. A. No. Page 134 A. No. Page 136 A. No. Page 136 A. No. Page 136 A. No. Page 136 A. No. A. No. Page 136 A. No. A. No. Page 136 A. No. A. No. Page 136 A. No. Page 136 A. No. Page 136 A. No. A. No. A. No. Page 136 A. No. A. No. Page 136 A. No. A. No. A. No. Page 136 A. No. A. No. A. No. A. Wow about now? A. No.	8	A. No.	8	A. I don't recall.
A. I don't believe so. Q. Did you think she was acting 11 mappropriately? 13 nappropriately? 14 A. No. 15 Q. You ever see guys flirt at Shell or just 15 Usesse? 16 Jessee? 17 A. Oh, I'm sure guys do, but I don't recall 18 the guys doing it. 18 Q. Okay. You just recall Jesse? 19 Q. Okay. You just recall Jesse? 20 A. Yes. 21 Q. Any other female employees who you saw 22 flirting at Shell? 23 A. No. 24 Q. How about contractors? 25 A. No. 26 Q. And other than smilling real big and batting 27 and other than smilling real big and batting 28 and it's reflected on the video record but not on 29 firs reflected on the video record but not on 30 firs reflected on the video record but not on 40 firs reflected on the video record but not on 41 firs reflected on the video record but not on 42 firs reflected on the video record but not on 43 firs reflected on the video record but not on 44 firs reflected on the video record but not on 45 shown on the video but not on the Court - not on 46 the Court Reporter's record, she he mimicked a 47 sing-songy voice in which she spoke to him. It's 48 shown on the video but not on the Court - not on 49 the Court Reporter's record. So I think that's a 50 mischaracterization. 40 Q. Did she ever touch you? 41 Q. Did she ever touch a male employee that you 42 Indon't know that. 41 Q. Did she ever touch a male employee 42 The video tour of the Court and the recall specifics. 41 Q. Did she ever touch a male employee 42 A. No. 43 A. Not that I recall. 44 Q. Did she ever touch a male employee 45 that you saw? 46 A. No. 47 Jense was a violation of Shell's policies at the time you said it? 48 A. No. 49 A. No. 40 A. No. 41 A. No. 41 A. No. 42 Q. Did you think it was a violation of Shell's policies at the time tyou said it? 41 A. No. 42 Q. Did you be ver touch Jesse? 43 A. No. 44 A. No. 45 A. No. 46 A. No. 47 Jense was a violation of Shell's policies at the time you said it? 48 A. No. 49 A. No. 40 Jense was a violation of Shell's policies at the time you said it? 40 A. No. 41 A. No. 42 Q. Did you	9	Q. Did you think that she wanted to have a	9	Q. (BY MS. GURMANKIN) All right. And what
12 Q. Did you think she was acting 12 girl or woman? 13 inappropriately? 13 A. I don't recall specifically, but I know she 14 A. No. 14 laughed and said, "That's right." Something to that 15 Q. You ever see guys flirt at Shell or just 15 16 Jesse? 16 Q. At the time she reported directly to you? 17 A. Oh, I'm sure guys do, but I don't recall 17 18 the guys doing it. 18 Q. Anyone else around when you said that? 19 Q. Okay, You just recall Jesse? 19 A. I don't recall. 10 A. Yes. 20 Q. Any other female employees who you saw 17 11 Q. In the firms at Shell? 22 A. No. 23 Q. How about now? 12 Q. How about contractors? 24 A. No. 23 Q. How about now? 1 A. No. 23 Q. How about now? 24 A. No. 25 Page 136 1 A. No. 23 Q. How about now? 24 A. No. 25 Page 136 1 A. No. 25 Page 134 Page 136	10	romantic or sexual relationship with you?	10	did she say when you said this to her, that she
inappropriately? A. No. Q. You ever see guys flirt at Shell or just 15 Jesse? 16 Jesse? 17 A. Oh, I'm sure guys do, but I don't recall 18 the guys doing it. 19 Q. Okay. You just recall Jesse? 20 A. Yes. 21 Q. Any other female employees who you saw 21 flirting at Shell? 22 A. No. 23 A. No. 24 Q. How about contractors? 26 A. No. 27 A. No. 28 Page 134 29 A. No. 20 Q. And other than smiling real big and batting 30 her eyes, any other ways that she flirted with you? 4 MR. TUCKER: Objection. He also said, 5 and it's reflected on the video record but not on 6 the Court Reporter's record, she he mimicked a 7 sing-songy voice in which she spoke to him. It's 8 shown on the video but not on the Court not on 9 the Court Reporter's record. So I think that's a 10 Q. Did she ever touch a male employee in that you saw? 21 A. Not that I ceall. 22 Q. Did she ever touch a male employee 23 A. No that I recall. 24 Q. No. Did she ever touch a male employee 25 That's off I was laking, I could have inadvertently? 26 Where on her body? 27 A. No that I trecall that. 28 A. Did she ever touch a male employee 29 C. No. Did she ever touch a male employee 30 C. All right. So you testified that you 31 A. Not that I recall that. 32 A. Did she ever fouch a male employee 33 A. No that I ceall that. 34 A. Did she ever fouch a male employee 35 C. Did she ever fouch a male employee 36 C. Did she ever fouch a male employee 37 A. Did she ever fouch a male employee 38 A. Did she ever fouch a male employee 39 Q. No. Did she ever touch a male employee 30 C. Did she ever fouch a male employee 31 A. I don't recall that, on that I talk with my hands a lot. 32 A. All did right is a fight that you 33 A. Rot and the recall that, on that I talk with my hands a lot. 34 A. Rot and the recall that, on pinion? 35 A. Do Did she ever fouch a male employee 36 A. Do Did she ever fouch a male employee 37 A. Did she ever fouch a male employee 38 A. Did she ever fouch a male employee 39 A. Do Did she ever fouch a male employee 40 A. Did she ever fouch a male emplo	11	A. I don't believe so.	11	works well with the male employees because she's a
14 A. No. 15 Q. You ever see guys flirt at Shell or just 15 Jesse? 16 Jesse? 17 A. Oh, I'm sure guys do, but I don't recall 18 the guys doing it. 19 Q. Okay. You just recall Jesse? 19 Q. Okay. You just recall Jesse? 20 A. Yes. 21 Q. Any other female employees who you saw 22 fliring at Shell? 23 A. No. 24 Q. How about contractors? 24 A. No. 25 A. No. 26 Q. And other than smiling real big and batting 27 A. No. 28 A. No. 29 A. No. 20 Did you think it was a violation of Shell's 29 Page 134 20 A. No. 21 Q. Did you think it was a violation of Shell's 21 A. No. 22 A. No. 23 Q. How about now? 24 A. No. 25 A. No. 26 Did you think it was a violation of Shell's 27 Page 136 28 Page 137 29 A. No. 29 A. No. 20 Did you think it was a violation of Shell's 29 Page 136 20 A. No. 21 Q. Did you think it was a violation of Shell's 20 Did you think it was a violation of Shell's 21 Page 136 22 Q. Did you think it was a violation of Shell's 23 A. No. 24 D. Did you think it was a violation of Shell's 24 A. No. 25 Page 134 26 D. Did you think it was a violation of Shell's 27 Page 136 28 Page 136 29 Did you think it was a violation of Shell's 29 Policies at the time you said it? 30 A. No. 31 A. No. 32 A. No. 33 A. No. 44 MR. TUCKER: Objection. He also said, 45 A. No. 46 Theowabout now? 47 A. No. 48 Page 136 49 D. Did you think it was a violation of Shell's 40 D. Did you ver touch Jesse? 41 A. No. 42 D. Did you ever touch Jesse? 42 A. No. 43 A. No. 44 D. Did you ever touch Jesse? 44 A. No. 45 A. No. 46 Theowabout now? 46 A. No. 47 D. Did you ever touch Jesse? 48 D. How about now? 49 Theowabout now? 40 D. Did you ever touch Jesse? 41 A. I don't know that. 41 D. Q. (BY MS. GURMANKIN) Any other ways that she flirted with you? 41 A. I don't know that. 41 D. Did you touch her inadvertently? 42 D. Did she ever touch a male employee 19 D. Did you touch her inadvertently? 43 A. No. Did is she ever touch a male employee 19 D. Did you touch her inadvertently? 44 D. Did she ever touch a male employee 19 D. Did you touch the rinadvertently touched he	12	Q. Did you think she was acting	12	girl or woman?
15 Q. You ever see guys flirt at Shell or just 16 Jesse? 17 A. Oh, I'm sure guys do, but I don't recall 18 the guys doing it. 19 Q. Okay. You just recall Jesse? 20 A. Yes. 21 Q. Any other female employees who you saw 22 flirting at Shell? 23 A. No. 24 Q. How about contractors? 24 A. No. 25 Page 134 26 A. No. 27 Q. And other than smiling real big and batting 28 her eyes, any other ways that she flirted with you? 29 A. TUCKER: Objection. He also said, 20 and it's reflected on the video record but not on 20 the Court Reporter's record, she — he mirnicked a fine flow on the Video French of the Court Reporter's record. So I think that's a mischaracterization. 20 (BY MS, GURMANKIN) Any other ways that she flirted with you? 31 A. No that I can think of. 32 Q. Did she ever touch a male employee that you saw? 33 Q. How about now? 44 A. No. 45 A. No. 46 Q. Did she ever touch a male employee that you saw? 47 A. No. 48 C. Did vou think it was a violation of Shell's policies at the time you said it? 49 A. No. 40 A. No. 41 Q. Did she ever touch a male employee that you saw? 40 A. No. 41 A. No. 42 A. No. 43 Q. How about now? 44 A. No. 45 A. No. 66 Q. Did you ever touch Jesse? 67 A. Inadvertently, yes. 68 A. No a. Q. How many times? 78 A. Indon't know that. 79 A. Indon't know that. 89 A. Idon't know that. 80 Q. More than ten? 80 A. Viden't even in advertently. 81 A. No that I can think of. 82 Q. Did she ever touch a male employee that you saw? 82 A. No. 83 Q. How many times? 84 A. Idon't know that. 85 A. Idon't know that. 86 Q. Did she ever touch a male employee that you saw? 86 A. Ro. 87 A. No. 88 A. Ro. 89 A. Idon't know that. 80 Q. More than ten? 80 Q. Where did you touch her inadvertently? 80 Q. No. Did she ever touch a male employee that you saw? 81 A. Idon't know that I talk with my hands a lot. 81 A. Ados of It was talking, I could have inadvertently touched her on the arm or hand. 82 Q. Did she ever touch a male employee that you opinion? 84 A. Ro. 85 I know that I talk with my hands a lot. 86 A. Ro. 87 A. Ro. 88 A. Ro	13	inappropriately?	13	A. I don't recall specifically, but I know she
16 Jesse? 17 A. Oh, I'm sure guys do, but I don't recall 18 the guys doing it. 19 Q. Okay. You just recall Jesse? 20 A. Yes. 21 Q. Any other female employees who you saw 22 fliring at Shell? 23 A. No. 24 Q. How about contractors? 24 A. No. 25 Q. And other than smiling real big and batting 26 her yes, any other ways that she flirted with you? 27 A. No. 28 Q. And other than smiling real big and batting 3 her eyes, any other ways that she flirted with you? 4 MR. TUCKER: Objection. He also said, 5 and it's reflected on the video record but not on 6 the Court Reporter's record, she – he mimicked a 7 sing-songy voice in which she spoke to him. It's 8 shown on the video but not on the Court – not on 9 the Court Reporter's record. So I think that's a 10 mischaracterization. 11 Q. BY MS. GURMANKIN) Any other ways that she 12 flirted with you? 13 A. Not that I can think of. 14 Q. Did she ever touch a male employee 15 A. Did I ever touch a male employee 16 Q. No. Did she ever touch a male employee 17 that you saw? 18 A. Did I ever touch a male employee 18 A. Did I ever touch a male employee 19 Q. No. Did she ever touch a male employee 19 Q. No. Did she ever dress inappropriately, in your 20 Jin I was a violation of Shell's 21 Code of Conduct at the time that you said it? 22 A. No. 23 Q. How about now? 24 A. No. 25 Q. Did you think it was a violation of Shell's 26 Did you think it was a violation of Shell's 27 A. No. 28 Q. How about now? 29 Did you toush on Shell's 20 Did you touch ber time that you said it? 20 Did you touch her inadvertently. 21 A. No. 22 A. No. 23 Q. How about now? 24 A. No. 25 Q. Did you touch her inadvertently? 26 A. No. 27 A. No. 28 Q. Did you touch her inadvertently? 28 A. Poli I was liaking, I could have inadvertently touched her on the arm or hand. 29 C. Did she ever dress inappropriately, in your 20 Jid jou touch her inadvertently touched ner on the arm or hand. 20 Did you touch her inadvertently touched ner on the arm or hand.	14	A. No.	14	laughed and said, "That's right." Something to that
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Page 137 Page 139 recollection of actually touching her inadvertently 1 1 of Jesse -- Jesse's backside at that event? 2 or not inadvertently? 2 A. I do not know that. A. No. 3 3 Q. Hondo never told you he did that? Q. Okay. So as you sit here today, you have 4 4 A. No. no recollection of ever touching her, correct? 5 5 Q. And you never saw anyone do it? 6 A. Correct. 6 A. No. 7 Q. Did you ever ask her something to the 7 Q. Did you ever tell Jesse that you thought 8 effect of why she was not wearing shorts? 8 about her while you were showering? 9 9 A. I did. A. No. 10 Q. Okay. When was that? 10 Q. Did you ever tell anyone that at Shell? 11 A. I think it was a 2016 golf event, golf 11 A. No. 12 charity event. 12 MR. TUCKER: Hold it. Told anyone that 13 Q. Where was that? 13 he thought about Jesse? Is the question did he ever 14 A. In Tioga at the golf course. 14 tell anyone at Shell that he thought about Jesse --15 15 Q. And what was the context in which you said MS. GURMANKIN: No. something to the effect of why she's not wearing 16 MR. TUCKER: -- while he was 16 17 17 shorts? showering? 18 A. She had talked about it being hot that day 18 Q. (BY MS. GURMANKIN) Did you ever tell Jesse 19 and she had on pants. Said she was going to get 19 that you thought about her while you were showering? 20 swamp ass. And so I could have mentioned, you know, 20 A. No. "Why don't you put on shorts?" 21 MR. TUCKER: Objection; asked and 21 22 Q. Did you say that? 22 answered. 23 23 Q. (BY MS. GURMANKIN) Did you ever tell A. What I told Megan is, it sounds like 24 something I would say, but I'm not saying I did say 24 anyone at work that you thought about them while you Page 138 Page 140 1 it. I'm just saying I could have said that. were showering? 1 2 2 Q. Why did that sound like something you would A. No. 3 sav? 3 Q. Did you ever tell anyone at work that you 4 A. Because it doesn't -- it just doesn't sound 4 thought about work issues while you were in the 5 5 off, so -- I don't recall saying it. But, again, shower? 6 when she was asking me that, I could have said. 6 A. Yes. 7 Q. But you recall Jesse saying to you that she 7 Q. Who did you say that to? 8 was going to get swamp ass --8 A. My group. A. That's correct. 9 9 Q. Including Jesse? 10 Q. -- because she was hot? 10 A. Including Jesse. 11 MR. TUCKER: Please let her finish. 11 Q. What was the context of that? 12 12 THE WITNESS: I'm so sorry. My A. We were having a little team meeting that 13 apologies. 13 morning. I came in. Everyone was kind of already 14 Q. (BY MS. GURMANKIN) You just don't have a 14 huddled around. And I said, "Guys, this morning I 15 specific recollection of whether she -- whether you 15 was thinking about" whatever it was "in the shower 16 said anything to her? 16 this morning, and this is what I want to try to do." 17 17 A. That's correct. So it was all in the contents of work 18 Q. At that event do you know if 18 related but that was it. 19 19 anyone -- well, was anyone around when she said to Q. When was this? 20 you that it was hot and she was going to get swamp 20 A. I don't remember the date. 21 ass? 21 Q. What was the year? 22 A. I don't even remember the year. 2.2 A. I don't remember if anyone else was around. 23 There could have been, but I don't recall. 23 Q. Was it just your group in the meeting? Q. Okay. Do you know if anyone took a picture 24 24 A. Yes.

	Page 141		Page 143
1	Q. What was the meeting about?	1	Q. Have you heard that to refer to both men
2	A. Work related. I don't remember a topic.	2	and women arguing
3	Q. What was the work issue that you were	3	A. Yeah.
4	thinking about in the shower?	4	Q or fighting?
5	A. I don't remember that, either.	5	A. Yes.
6	Q. Okay. So you recall you going into the	6	Q. When have you heard it used to refer to men
7	meeting, your whole team is sitting there. You say	7	who were arguing or fighting?
8	this comment, but you don't recall what the work	8	A. Just because they would be yelling and
9	issue was that was the topic of the meeting or what	9	screaming at one another in particular is what I'm
10	work issue you were thinking about in the shower; is	10	thinking. I remember someone actually saying it was
11	that correct?	11	like a cat fight in there.
12	A. That's correct.	12	Q. My question was, when have you heard the
13	Q. Did you ever make cat-claw gestures and	13	term "cat fight" to refer to men who were fighting
14	hissing noises?	14	or arguing?
15	A. I have.	15	A. I don't
16	Q. At work?	16	MR. TUCKER: Objection; asked and
17	A. Yes.	17	answered.
18	Q. In front of Jesse?	18	You may answer it again.
19	A. Yes.	19	A. (Continuing.) Yeah. I I don't recall a
20	Q. How many times?	20	specific day.
21	A. I don't recall that.	21	Q. (BY MS. GURMANKIN) Was it in your
22	Q. And what did it mean when you did that?	22	employment at Shell?
23	A. It meant that, you know, somebody was	23	A. I don't recall.
24	either arguing, and I was trying to make light of	24	Q. Do you recall the context of you hearing
	Page 142		Page 144
1	it. That's it.	1	
	it. That 3 it.		"cat fight" referring to men fighting or arguing?
2	Was that when females were disagreeing or		"cat fight" referring to men fighting or arguing? MR_TLICKER: Objection: asked and
2	Q. Was that when females were disagreeing or	2	MR. TUCKER: Objection; asked and
3	arguing?	2	MR. TUCKER: Objection; asked and answered.
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Page 148

Page 145

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- 1 Q. Did you think it was a violation of Shell's
- 2 policies at the time that you did it?
- 3 A. No.
- 4 Q. How about now?
- 5 A. No.

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- 6 Q. Did you ever say to anyone at Shell other
- than Jesse -- comment on her clothes or say, "Did
- 8 you see what she's wearing today?"
 - A. Not that I recall.
- Q. Did you ever tell -- well, strike that.
 - Who was Wayne Fletcher?
- 12 A. He's an HSE tech.
 - Q. Did you work with him?
- A. I have worked with him, yes.
- Q. Did he report to you?
- 16 A. No.
- Q. Did you ever tell Wayne Fletcher to tell
- Jesse that she was pretty in order to get her to do
- some work for him that he wanted her to do?
- 20 A. No
- Q. Is Wayne Fletcher an honest person, in your
- 22 opinion?
- A. From what I know, yes.
- Q. Did you ever ask Jesse about her personal

A. Just she talked about her boyfriend and some of the things that he does, you know, just different things. "He better make sure that the lawn's mowed when I get there."

She talked about him having a back surgery one time. Things like that. I mean, there is a lot of topics I may not remember, but those are a couple

- Q. Okay. Anything else you remember that was boyfriend related?
 - A. Not necessarily.
- 12 Q. I don't know what that means.
 - A. No.
 - Q. House fires, what did she say about that?
- A. She had a breaker one time in her -- in her
 - house -- I can't remember if it was inside or
- outside -- catch on fire.
 - Q. Anything else about that?
- 19 A. No particulars.
- Q. Car issues?
 - A. She always had car issues. She drove
- around in a little car, always breaking down,
 - needing either a ride to or from the place where she
- got it worked on. Had to, you know, take a longer,

Page 146

life?

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- 2 A. Yes.
 - Q. In what way?
- 4 A. Well, she would voluntarily give her
- 5 personal life details up, and in our group we would
- 6 just talk back and forth about different things, and
- 7 that's just how things came up.
 - Q. What personal details --
- 9 MR. TUCKER: Can we stop? I have to 10 make a call.
- 11 THE VIDEOGRAPHER: We are off record. 12 Time is 11 a.m.
 - (A recess was taken.)
- 14 THE VIDEOGRAPHER: We are back on
- record. Time is 11:03 a.m.
- Q. (BY MS. GURMANKIN) What personal things
- 17 did Jesse voluntarily give up?
- A. So boyfriend-related stuff, house fires,
- car issues, several things.
 - Q. Anything else?
- A. Parties, you know, getting drunk, yeah,
- things like that.
- Q. What did she say that was boyfriend
- 24 related?

- extended lunch or come in late dealing with it.
- 2 Q. Parties and getting drunk?
 - A. Yes.
 - Q. What did she say about that?
 - A. She told me a couple of times where -- one
- 6 story in particular, she was in California and was
- 7 hitting on some girl's boyfriend and she didn't
- 8 realize that and she was drunk and they beat her up
- 9 for it, or that girl particularly beat her up for 10 it.
 - IT.
 - Or she was driving one time drunk and then she passed out and didn't remember where she was at. Just topics like that.
 - Q. Anything else about partying and getting drunk?
 - A. Nothing I can think of right this second.
- Q. The part about the getting beat up in
 - California, when did she share that story?
- A. I can't remember exactly when -- when she shared the story with us.
 - Q. Was it just you or other people?
 - A. It was me and a few other people.
- Q. Do you remember who?
- A. I believe it was Hondo and Mark Hoover.

	Page 149		Page 151
1	Q. And the just getting drunk and passing out,	1	A. Myself?
2	who did she share that with, just you?	2	Q. Uh-huh.
3	A. I can't recall who was there.	3	A. Oh, I'm sure, yes.
4	Q. Was that about a particular party or just	4	Q. Okay. What?
5	generally?	5	A. Oh, I don't recall any specifics.
6	A. I think just in general.	6	Q. Did you ever talk about your wife?
7	Q. And what was the context of that	7	A. Maybe.
8	discussion, or did she just come out and say that?	8	Q. Do you remember?
9	MR. TUCKER: Which discussion?	9	A. No.
10	Q. (BY MS. GURMANKIN) The passing out at	10	Q. Ever talk about your marriage?
11	parties and getting drunk.	11	A. Don't recall.
12	A. It could just be in general, people	12	Q. Ever talk about your sex life?
13	talking, or she just come over wanting to BS with me	13	A. I no.
14	and Hoover or Hondo. It could just be out of the	14	Q. Did you ever tell anyone at Shell that you
15	blue.	15	almost didn't get married because you kissed another
16	Q. You said "could be." Was it?	16	woman on the day of your wedding?
17	A. Typically, yes.	17	A. I don't recall that. That did happen but I
18	Q. And how about the part about her getting	18	don't recall that.
19	beat up in California? What was that what was	19	Q. You don't recall telling anyone at Shell
20	the context of that?	20	that?
21	A. I think she was talking about when she was	21	A. No.
22	going again. She was telling us that we may have to	22	Q. Did you ever ask Jesse if she missed you
23	check up on her and because last time or a time	23	over the weekends?
24	that she got beat up over there. So	24	A. I have.
	Page 150		Page 152
1	Q. And I'm sorry if I asked you this, but you	1	Q. How many times?
2	don't recall when that was?	2	A. I can't recall.
3	A. No, I don't recall.	3	Q. Why would you ask her that?
4	Q. Other than her giving out	4	A. Just a general statement that I made to
5	MR. TUCKER: When you say "don't	5	everybody.
6	recall," are we talking about the first time she got	6	Q. So you asked everyone on your team if they
7	beat up or the time she went back to California and	7	missed you over the weekend?
8	said checking up on me?	8	A. Over the weekend or if I was off or on
9	MS. GURMANKIN: Well, it's the same	9	vacation, yes.
10	conversation.	10	Q. Did you ask everyone at once, or would you
11	Q. (BY MS. GURMANKIN) She was telling you	11	go around to each person separately and ask them?
12	about getting beat up in the context of her having	12	A. Both.
13	to go out to California and that you guys may need	13	Q. Did you do this every weekend or every time
14	to check up on her, right?	14	you were off?
15	A. Correct.	15	A. Not every time, no.
16	Q. All right. And you don't remember when	16	Q. And who else on your team other than Jesse
17	that discussion was?	17	would you ask that question?
18	A. No, ma'am.	18	A. Probably everyone on my team.
19	Q. Other than these personal things that she	19	Q. Are you guessing or do you remember asking
20	voluntarily gave up, did you ever ask her about her	20	everyone on your team?
21	personal life?	21	A. I'm guessing.
22	A. Not that I recall.	22	Q. Other than Jesse, as you sit here today,
23 24	Q. Did you ever talk about anything personal in the office?	23 24	can you think of any other person on your team who you asked that?
44	in the office?	4	you asked that:

Page 153 Page 155 1 A. Yes. 1 A. No. 2 Q. Who? 2 Q. And up until your meeting with Kloosterman, 3 3 A. Ken Foreman, Dan Krise, Mark Hoover, Steve your relationship with Jesse was the same as when Craig, Greg Larsen. Did I say Hondo? 4 4 she was a contractor and then a full-time employee, 5 5 Q. No. nothing changed? 6 6 A. Hondo, Tim Brueilly, Jill Brueilly, Calvin A. No. 7 Flynne. I'll stop at that. 7 Q. Okay. Is that correct, nothing changed? 8 8 MR. TUCKER: When you said "Hondo," you A. No, it's not correct. 9 9 Q. Okay. What's not correct about that? meant Hondo Blakley? 10 THE WITNESS: Hondo Blakley, yes. I 10 A. So the day of the meeting that I pulled 11 apologize for not having said his last name. 11 Jesse in to have the one on, that's when our 12 Q. (BY MS. GURMANKIN) When you said you'll 12 relationship changed. 13 stop at that, any others that you can think of or 13 Q. Okay. Tell me about that. 14 that's it? 14 When is that meeting? 15 A. Mid-November I believe it was, 15th, 16th. 15 A. None that I can think of. Q. And did you ask all of these people that 16 16 Q. 2016? 17 question every time you returned from the weekend or 17 A. Yes. I was up at the group. We were all 18 returned from an absence? 18 in a group. They were having some kind of 19 A. I don't recall if it's every weekend or 19 conversation, something was said and Jesse just, you 20 not. So, no, I don't know that. 20 know, went off on I believe it was Jeremy Greene. Q. Did you ask all these people, including And everybody just kind of looked at me. Because 21 21 Jesse, that question equally or one more than the 22 22 they'd been -- they'd been complaining that she's --23 she's had an attitude. So they just kind of looked 23 24 24 A. I would say equally. at me like, are you going to take care of this or Page 156 Page 154 1 Q. Did you ever tell Jesse you thought it was 1 not? 2 2 So I don't know the contents of what I funny when she got into disagreements with other 3 employees who were female? 3 did right then, but I think I pinged her or I 4 A. No. 4 emailed her, something, said, "Hey, can you meet me 5 in Conference Room 120A. We need to have a little 5 Q. Did you think that was funny? discussion." 6 6 A. No. 7 Q. So when Jesse was a contractor, you had a 7 Q. All right. You said prior to that time good relationship with her, correct? 8 when she went off on Jeremy Greene in around 8 9 9 A. I believe so. mid-November 2016, everyone had been complaining 10 10 Q. Okay. And initially when she starts that she's got an attitude? 11 full-time you have a good on relationship with her? 11 A. That she has an attitude. Q. Okay. Who had been complaining about that? 12 12 A. I thought so, yes. 13 13 Q. And at some point she pulls back and stops A. Specifically Dan, Ken and Jeremy. 14 engaging with you in the same way that she had? 14 MR. TUCKER: Can you give full names, 15 15 A. I don't recall that. please? A. Dan Krise, Jeremy Greene and Ken Foreman. 16 Q. Did that happen at any point before your 16 17 Q. (BY MS. GURMANKIN) All right. What had 17 meeting with Kloosterman? 18 A. No, not that I recall. 18 Dan Krise said to you about Jesse's attitude? A. Just that she has -- she's just 19 19 Q. Okay. At some point Hondo Blakley tells 20 20 you that Jesse has complained about you to him, quick-tempered, just moody attitude. And also added Matt Skolny to that list, as well. 21 correct? 21 Q. So Krise says she's got a quick temper, you 22 A. No, I don't recall that neither. 22 23 23 Q. Do you ever learn that from him prior to said? 24 your meeting with Kloosterman? 24 A. Correct.

- 1 Q. Okay. And how many times did he talk to
- 2 you about this before that mid-November 2016
- 3 incident?
- 4 A. I don't remember exact time, but it was --
- 5 it was several times.
- 6 Q. Okay. All after she's a full-time employee
- 7 or some before she's a full-time employee?
- 8 A. I don't recall that.
- 9 Q. You don't recall one way or the other?
- 10 A. That is correct.
 - Q. Okay. Anything other than she's got a
- quick temper? 12

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- 13 A. And that she's moody.
- 14 Q. He give you any examples?
- 15 A. I didn't need examples. I knew what he was 16 talking about.
- 17 Q. Did he give you any?
- 18 A. No.
- 19 Q. Okay. Did you ask him for any?
- 20 A. I don't recall.
- Q. What was he talking about? 21
- 22 A. Her quick temper and moodiness.
- 23 Q. You said you didn't need examples; you knew
- 24 what he was talking about.

Page 159

Page 160

- Q. (BY MS. GURMANKIN) Okay. So how many
- 2 times did you see it prior to mid-November 2016?
- 3 A. I can't give an exact time -- exact amount.
 - It was a lot.

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- 5 Q. More than 20?
 - A. It would -- oh, yes.
- 7 Q. Okay. More than 50?
- 8 A. Let's say 50.
 - Q. Okay. And was this just to you one-on-one
- 10 or not necessarily? You just saw it?
 - A. No. This was in the group settings.
- Q. Okay. Any one-on-ones of those 50 times? 12
- 13 A. Oh, sure.
- 14 Q. How many?
- 15 A. I'd say 20.

MR. TUCKER: Are you guessing?

17 THE WITNESS: I am guessing, Joe. I'm

18 sorry. I'm sorry, Joe.

Q. (BY MS. GURMANKIN) That's fine.

- 20 A. It is approximate.
 - Q. Okay. That's fine.
- 22 A. You are asking me a question that I just
 - can't answer.
 - Q. That's fine. Did you document any of these

Page 158

- What specifically was he talking about?
- 2 A. That if you are in a group session and you
- 3 say the wrong thing, she just flies off the handle
- 4 and yells at you or she doesn't talk to anyone
- because she doesn't feel like it for the day, or you
- 6 try to help her out and she gets upset because you
- 7 are trying to help her. Those are examples of what 8
 - I'm talking about.
 - Q. How many times did this happen before that
- 10 mid-November 2016 incident?
 - MR. TUCKER: With -- with whom? With
- 12 her or with other employees or other employees
- because the "it" -- I need the "it" defined, the 13
- pronoun "it." 14
- MS. GURMANKIN: Where she flies off the 15
- 16 handle, yells, does the things that you just
- 17 testified to.
- 18 MR. TUCKER: To him or to other
- 19 employees?
 - MS. GURMANKIN: Period.
- 21 A. Well, when I'm around, it happened quite a
- 22 bit. Now, what happened when I wasn't around, I
- 23 don't know. They would just come to me and tell me,
 - you know.

- 1 50 times?
- 2 A. In her year-end evaluations and mid-years,

 - Q. Did you ever talk to anyone in HR?
- 5 A. About?
 - Q. Her doing this.
- 7 A. No.
 - Q. Did you ever talk to Steve Craig about it,
- 9 again, prior to this mid-November 2016 conversation?
 - A. I don't believe so.
 - Q. How come?
- 12 A. That's a supervisor-employee coaching
 - event. That doesn't need to be escalated.
- 14 Q. So you didn't think she was acting
- 15 inappropriately in any way?
 - A. I didn't say that.
- 17 Q. Did you?
- 18 A. I thought that her -- her attitude needed
- 19 to be calmed down a bit. So inappropriately
- 20 probably not, but people just didn't like coming to
- 21 her because of the -- her attitude that she was
- 22 giving them.
- 23 Q. You didn't think it was enough to warrant

24 escalating it to HR or your supervisor, correct?

	Page 161		Page 163
1	A. That's correct.	1	not say.
2	Q. All right. What does Jeremy Greene tell	2	And so Jesse had called me on the on
3	you about this, the complaints about her attitude?	3	the phone or texted me and said, "I just got to
4	A. Just that the same thing as Dan, almost	4	leave."
5	identical. That's what he complained about.	5	And I said, "For what?"
6	Q. Moody and quick-tempered?	6	"Because I'm just pissed off."
7	A. Correct.	7	I said, "Why?"
8	Q. Did they both use those words?	8	"I can't talk right now."
9	A. I'm guessing but	9	And I said, "Well, I want I want an
10	MR. TUCKER: Don't. Don't guess.	10	answer. Like, I want to know why you are leaving."
11	Q. (BY MS. GURMANKIN) Do you remember?	11	That's one example of what Ken would
12	A. I don't recall.	12	come to me about.
13		13	Q. Okay. Any other examples that Ken came to
14	THE WITNESS: That's why I said it	14	you about?
	first, Joe.		A. Not that I recall.
15	Q. (BY MS. GURMANKIN) But you call the gist	15	
16	that that's what Greene was complaining about, as	16	Q. And did you
17	well?	17	MR. TUCKER: Hold on a second. Bear
18	A. Correct.	18	with me one second, Counsel.
19	Q. How many times does Greene come to you	19	MS. GURMANKIN: Okay.
20	about Jesse prior to mid-November 2016?	20	Q. (BY MS. GURMANKIN) Did you ask Jesse
21	A. I don't recall.	21	whether Ken had done anything to warrant that
22	Q. More than ten?	22	reaction from her?
23	A. I I don't recall.	23	A. Say that question one more time.
24	Q. Multiple?	24	Q. Sure. Did you ever ask Jesse whether Ken
	Page 162		
	rage 102		Page 164
1		1	
1 2	A. Multiple times.	1 2	had done something to provoke that reaction?
2	A. Multiple times. Q. All right. Foreman, what did he complain	2	had done something to provoke that reaction? MR. TUCKER: Other than what he
2	A. Multiple times. Q. All right. Foreman, what did he complain about Jesse's attitude?	2	had done something to provoke that reaction? MR. TUCKER: Other than what he testified to a moment ago?
2 3 4	A. Multiple times. Q. All right. Foreman, what did he complain about Jesse's attitude? A. Same thing as as Dan as Dan Krise and	2 3 4	had done something to provoke that reaction? MR. TUCKER: Other than what he testified to a moment ago? Q. (BY MS. GURMANKIN) Well, you didn't say
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Multiple times. Q. All right. Foreman, what did he complain about Jesse's attitude? A. Same thing as as Dan as Dan Krise and Jeremy Greene. Q. Quick-tempered and moody? A. Yes. Q. And am I correct that you don't recall whether he used those words, but that was the gist? A. That's correct. Q. Matt Skolny? A. Same thing. Q. Did any of them give you examples? A. They probably did. Q. Do you recall if they did? A. Well, I can I can recall one example. Q. Okay. Tell me. A. So Ken Foreman actually, Jesse had brought it up. Ken Foreman was was trying to help Jesse, and Jesse lost her cool and told Ken she didn't want him in her business and that she he needed to manage his own business.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	had done something to provoke that reaction? MR. TUCKER: Other than what he testified to a moment ago? Q. (BY MS. GURMANKIN) Well, you didn't say specifically whether he did anything. Did you ever ask Jesse if Foreman did anything? A. Well, that was the contents. He was trying to help her do something work related. Q. Okay. So is that what you understood Jesse was so upset about, that Foreman was trying to help her? A. Correct. Q. Okay. A. And that Will said to help her. Will said I was up Ken told me this is coming from Jesse. Ken told me that you said me, as Will, he needed to come help me do this, whatever this work was. Q. Okay. A. That's what got her so upset. Q. Okay. Did you get this first from Jesse

- 1 Q. Okay. Had you told Foreman that?
- 2 A. I went to Foreman about that, yes.
- 3 Q. Had you told Foreman --
- 4 A. No.
- 5 Q. Okay.
 - A. I apologize for interrupting, but no.
- 7 Q. All right. So just to be clear, you had
- 8 not told Foreman what Jesse said that Foreman told
- 9 her?

6

- 10 A. Say it again.
- Q. About you telling -- you com- -- you said
- that Jesse told you that Foreman went to help her
- because he said he was instructed by you to go help
- 14 Jesse with this work task?
- 15 A. Correct.
- Q. And you had not told Foreman that, correct?
- 17 A. That's correct.
- Q. Did you ask Foreman whether he said that to
- 19 Jesse?

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- 20 A. Yes.
- Q. And he said what?
- A. He said, "I didn't say that."
- Q. Did he say he said something like that?
- A. He didn't allude it. He said, "I didn't

Page 167

- someone's trying to help you is not warranted. But not inappropriately.
 - Q. You approved her leaving, though?
 - A. I did -- well, yes.
 - Q. All right. And any other examples that your -- that you can discuss as you sit here today
- 7 other than that one?

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MR. TUCKER: Examples of what?

MS. GURMANKIN: Of Jesse flying off the

handle, being moody, having a quick temper.

A. Even though it was in a banter way, they came to me one time I remember specifically --

MR. TUCKER: Who's "they"?

THE WITNESS: Sorry.

A. The group. So I'm going to say Jeremy Greene, Ken Foreman, Dan Krise came to me and said in a joking way, though, but this is what -- how it starts, you know, Jesse is mad at Jeremy for something. I don't know why. And that she was

going to kill him, wrap him up in a carpet and throw him off a bridge.

And so again, people are joking back and forth, but I think this is how some of that

starts, when people get upset. But I remember that.

Page 166

say that. I was just trying to help her."

Q. Okay. So did you conclude that Jesse was lying?

MR. TUCKER: Objection.

A. No. I just concluded that between what he said and what she assumed, somewhere was the truth. And then I asked him, you know, "Make sure there is no circumstance where you said I said something that I didn't say."

Because my words to Jesse were, "If I wanted Ken to help you, I would tell you that I wanted Ken to help you. Or if I was upset with you, I would tell you I'm upset with you because this wasn't done. It wouldn't come through Ken through me." That's my role to make that clear.

Q. (BY MS. GURMANKIN) All right. So you never concluded that either Jesse or Foreman were lying in connection with that issue, correct?

A. I just -- I think the truth was somewhere in the middle, and I just don't know where.

Q. All right. Did you conclude that Jesse acted inappropriately in any way?

A. During that particular incident? Not inappropriately, but leaving because you are upset

Page 168

And then Jesse getting upset. And I don't know what she was upset for that particular reason, but, you know, she was upset saying it, but it ended up as a joke.

Q. (BY MS. GURMANKIN) All right. And what was that in -- what was the context of that?

A. It was work related and I really don't know. I just -- that was one of those times where I just come up there and like, What's going on.

Q. They didn't think seriously that she was going to kill Jeremy?

A. No, ma'am. No.

Q. And you -- and you are laughing because you didn't think that, either, right?

A. Yeah. So I apologize for laughing. But no, I knew she was not going to kill Jeremy Greene.

Q. Okay. Did you talk to her about that issue?

A. No, because it was -- it was -- it was the back-and-forth. I mean, this is how that group -- this is how they did things. I mean, they'd -- they'd argue and then they'd make up; they'd argue and then make up. They were back and

forth. So it was a give-and-take between them, her,

42 (Pages 165 to 168)

1	Page 169		Page 171
	me. So	1	MR. TUCKER: When you say "say that,"
2	Q. Same with the guys, right?	2	use those specific words, Counsel.
3	A. Same with the guys, yes.	3	Q. (BY MS. GURMANKIN) Have you been shown
4	Q. They would do that with each other?	4	MR. TUCKER: Did you assume that's what
5	A. Yes, ma'am.	5	she meant by that?
6	Q. Did you ever get any complaints that any of	6	THE WITNESS: I did assume that, yes,
7	the guys had quick tempers?	7	sir.
8	A. Not quick tempers, no.	8	(<mark>Exhibit 54</mark> was marked.)
9	Q. And you get complaints that the guys were	9	Q. (BY MS. GURMANKIN) You have been shown
10	moody?	10	what's been marked as Exhibit 54.
11	A. No.	11	What is this document?
12	Q. Or would fly off the handle?	12	A. 2015 end-of-year performance summary.
13	A. No.	13	Q. Did you do that as part of the performance
14	(<mark>Exhibit 53</mark> was marked.)	14	reviews?
15	Q. (BY MS. GURMANKIN) Let's take a look at	15	A. Uh-huh.
16	what's been marked as Exhibit 53. This is Jesse's	16	Q. Yes?
17	performance appraisal from September 2015 through	17	A. Yeah.
18	December 2015.	18	Q. For everyone?
19	Is this something that you completed?	19	A. Yes.
20	A. Yes, looks like it. My name's there at the	20	
21	bottom.	21	Q. Is there anywhere in here where you talk about her having a quick temper, being moody or
		22	
22	MR. TUCKER: Could you read the entire	23	flying off the handle or yelling? A. No.
2.3	document, please?	24	
24	THE WITNESS: Yes.	24	Q. All right. So going back to and prior
	Page 170		Page 172
1	A. Okay.	1	to mid-November 2016 when you talked to Jesse in
2	Q. (BY MS. GURMANKIN) This is something that	2	Conference Room 120A about this incident where she
3	you did?	3	went off on Jeremy Greene, had you specifically
4	A. Yes.	4	talked to her about her quick temper, being moody or
5	Q. You wrote what's included?	5	flying off the handle or yelling?
6	A. Yes.	6	A. In her mid-years and reviews, yes.
	Q. Is there anywhere where you talk in there		71. In her mid years and reviews, yes.
7		7	Q. Okay. So as part of that 2015 review
7 8	about her having a quick temper, being moody or	7 8	
	about her having a quick temper, being moody or flying off the handle or yelling?		Q. Okay. So as part of that 2015 review
8		8	Q. Okay. So as part of that 2015 review discussion?
8 9	flying off the handle or yelling?	8 9	Q. Okay. So as part of that 2015 review discussion? MR. TUCKER: Objection.
8 9 10	flying off the handle or yelling? A. In the "Opportunities" stage it suggests	8 9 10	Q. Okay. So as part of that 2015 review discussion?MR. TUCKER: Objection.Q. (BY MS. GURMANKIN) That we as part of
8 9 10 11	flying off the handle or yelling? A. In the "Opportunities" stage it suggests that her frustrations gets the best of her.	8 9 10 11	Q. Okay. So as part of that 2015 review discussion? MR. TUCKER: Objection. Q. (BY MS. GURMANKIN) That we as part of the discussion about the 2015 review that we looked
8 9 10 11 12	flying off the handle or yelling? A. In the "Opportunities" stage it suggests that her frustrations gets the best of her. Q. So what you said there, and tell me if this	8 9 10 11 12	Q. Okay. So as part of that 2015 review discussion? MR. TUCKER: Objection. Q. (BY MS. GURMANKIN) That we as part of the discussion about the 2015 review that we looked at your appraisal, you had that conversation with
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8 9 10 11 12 13 14 15	flying off the handle or yelling? A. In the "Opportunities" stage it suggests that her frustrations gets the best of her. Q. So what you said there, and tell me if this is what you are referring to, "Jesse can allow her frustration with certain management decisions to affect her ability to manage aspects of her role."	8 9 10 11 12 13 14 15	Q. Okay. So as part of that 2015 review discussion? MR. TUCKER: Objection. Q. (BY MS. GURMANKIN) That we as part of the discussion about the 2015 review that we looked at your appraisal, you had that conversation with her? A. I don't remember the specific topics, so I can't say then. But I know it was brought up in
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8 9 10 11 12 13 14 15 16 17 18 19 20	flying off the handle or yelling? A. In the "Opportunities" stage it suggests that her frustrations gets the best of her. Q. So what you said there, and tell me if this is what you are referring to, "Jesse can allow her frustration with certain management decisions to affect her ability to manage aspects of her role." Is that what you were referring to? A. Yes. Q. All right. Anywhere else where you talk about her having a quick temper, being moody or flying off the handle or yelling?	8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Okay. So as part of that 2015 review discussion? MR. TUCKER: Objection. Q. (BY MS. GURMANKIN) That we as part of the discussion about the 2015 review that we looked at your appraisal, you had that conversation with her? A. I don't remember the specific topics, so I can't say then. But I know it was brought up in conversations. Q. Any documentation of that? A. No. Q. How many times did you talk to her about that?
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8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	flying off the handle or yelling? A. In the "Opportunities" stage it suggests that her frustrations gets the best of her. Q. So what you said there, and tell me if this is what you are referring to, "Jesse can allow her frustration with certain management decisions to affect her ability to manage aspects of her role." Is that what you were referring to? A. Yes. Q. All right. Anywhere else where you talk about her having a quick temper, being moody or flying off the handle or yelling? A. No. Q. You actually don't say any of that in here,	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. So as part of that 2015 review discussion? MR. TUCKER: Objection. Q. (BY MS. GURMANKIN) That we as part of the discussion about the 2015 review that we looked at your appraisal, you had that conversation with her? A. I don't remember the specific topics, so I can't say then. But I know it was brought up in conversations. Q. Any documentation of that? A. No. Q. How many times did you talk to her about that? A. That's unclear. I don't know. Q. You don't remember?

1	Page 173		Page 175
_	does she go off on Jeremy Greene about?	1	Q. All right. So when do you meet with her?
2	A. I don't remember the topic. I just know	2	How long after this incident?
3	she lost her cool and that's all that's all I	3	A. I don't remember exact timing. I think it
4	remember about that.	4	was pretty quick.
5	Q. You saw it?	5	Q. That day?
6	A. Yes.	6	A. That day, yeah.
7	Q. What happened? I mean, how did she go off	7	Q. And how do you arrange the meeting? Do you
8	on Greene?	8	just grab her and pull her in?
9	A. They were back and forth with something,	9	A. I don't remember. No I don't remember.
10	and I don't know if it was the carpet thing or what.	10	Q. Okay. Is it just the two of you in the
11	But then she just he said something that just	11	meeting?
12	sparked something in her, and she lit into him.	12	A. Yes.
13	Q. How did she light into him?	13	Q. Did you talk to anyone before the meeting
14	A. Just I can't remember verbatim, so I	14	about what you were going to say?
15	don't even want to guess.	15	A. No.
16	Q. Even if you can't tell me verbatim, what	16	Q. All right. So tell me about the meeting.
17	did she do?	17	A. So I called her in the meeting, and I
18	A. Yelled at him, told him something. But I	18	wanted to find out, you know, what's been going on,
19	remember her yelling at him.	19	why has has her has her tempers been flaring
20	Q. Okay. Do you remember what she said?	20	up so much lately. And then that's when she said,
21	A. No.	21	"It's all your fault." You know, "You" I can't
22	Q. Did she curse?	22	remember exact words, but it's basically all my
23	A. Did she curse?	23	fault.
24	Q. Uh-huh.	24	And then from there, I said, "If you
	Page 174		Page 176
1	A. I don't recall.	1	don't mind, excuse me. I'm going to go get Steve
2	Q. Was he yelling?	2	Craig because I want a witness to this."
3	A. No.	3	So I went and pulled Steve Craig off of
4	Q. How how long was she yelling?	4	what he was doing, and then we went immediately in a
5	A. It was just an outburst, quick.		J
		5	room.
6	Q. Did you end the meeting at that time?	6	room. Q. All right. So before you go get Craig,
6 7	Q. Did you end the meeting at that time?A. It wasn't a meeting. I just went up there.		
_		6	Q. All right. So before you go get Craig,
7	A. It wasn't a meeting. I just went up there.	6 7	Q. All right. So before you go get Craig, anything else that Jesse said other than "It's all
7	A. It wasn't a meeting. I just went up there.	6 7 8	Q. All right. So before you go get Craig, anything else that Jesse said other than "It's all your fault"?
7 8 9	A. It wasn't a meeting. I just went up there. So Q. Okay.	6 7 8 9	Q. All right. So before you go get Craig, anything else that Jesse said other than "It's all your fault"? A. I can't recall specifics. But I'm no, I
7 8 9	A. It wasn't a meeting. I just went up there.SoQ. Okay.A. But it abruptly stopped.	6 7 8 9	Q. All right. So before you go get Craig, anything else that Jesse said other than "It's all your fault"? A. I can't recall specifics. But I'm no, I can't recall specifics.
7 8 9 10 11	 A. It wasn't a meeting. I just went up there. So Q. Okay. A. But it abruptly stopped. Q. Did you do anything at that point? 	6 7 8 9 10 11	Q. All right. So before you go get Craig, anything else that Jesse said other than "It's all your fault"? A. I can't recall specifics. But I'm no, I can't recall specifics. Q. Did she say anything else other than "It's
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7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. It wasn't a meeting. I just went up there. So Q. Okay. A. But it abruptly stopped. Q. Did you do anything at that point? A. Not at that point. Q. Okay. How come? A. Because I didn't want to do it in front of everyone. I wanted to do it in private. Q. You could have asked her to come talk to you, right? MR. TUCKER: Objection. You may answer. A. I could have then, yes, but I didn't. Q. (BY MS. GURMANKIN) Any explanation why not?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. All right. So before you go get Craig, anything else that Jesse said other than "It's all your fault"? A. I can't recall specifics. But I'm no, I can't recall specifics. Q. Did she say anything else other than "It's all your fault"? A. I'm sure she did, but I just can't recall exactly word for word what happened. Q. Why do you go get Steve Craig? A. Because I wanted a witness. Q. Why? A. Because I knew what she was telling me that time needed a witness to what was going on. Q. Why? A. Because in the in Shell culture, any culture that you are doing, you want to make sure
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 A. It wasn't a meeting. I just went up there. So Q. Okay. A. But it abruptly stopped. Q. Did you do anything at that point? A. Not at that point. Q. Okay. How come? A. Because I didn't want to do it in front of everyone. I wanted to do it in private. Q. You could have asked her to come talk to you, right? MR. TUCKER: Objection. You may answer. A. I could have then, yes, but I didn't. Q. (BY MS. GURMANKIN) Any explanation why 	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. All right. So before you go get Craig, anything else that Jesse said other than "It's all your fault"? A. I can't recall specifics. But I'm no, I can't recall specifics. Q. Did she say anything else other than "It's all your fault"? A. I'm sure she did, but I just can't recall exactly word for word what happened. Q. Why do you go get Steve Craig? A. Because I wanted a witness. Q. Why? A. Because I knew what she was telling me that time needed a witness to what was going on. Q. Why? A. Because in the in Shell culture, any

Page 177 Page 179 MR. TUCKER: No. it will not be to 1 being said or not said. 1 2 Q. Why did you think this was something other 2 form, because we have not indicated any type of 3 3 than the standard coaching? objection preservation here. A. Just because she said -- her choice of 4 Q. (BY MS. GURMANKIN) Prior to this meeting, 4 5 5 words, whatever they were at the time, were telling did she ever --6 me that this could get ugly quick. 6 MR. TUCKER: So those are what the 7 Q. What did she say that gave you that 7 Rules actually say, Counsel, if you want to quote 8 8 impression? 9 9 Q. (BY MS. GURMANKIN) Prior to this meeting, A. I just said I couldn't remember that. 10 Q. Was it something other than "It's all your 10 did she ever indicate to you that she had a problem 11 11 with your conduct? 12 12 A. It could have been. A. No. 13 MR. TUCKER: Objection; asked and 13 Q. Did anyone indicate to you that she had a 14 answered. 14 problem with your conduct prior to this meeting? 15 15 Q. (BY MS. GURMANKIN) Did she reference the A. No. 16 fact that you had been sexually harassing her? 16 Q. Did you ever consider prior to this meeting 17 17 that making the comments that you testified that you A. No. 18 Q. She had let you know prior to this that she 18 did to a female subordinate wasn't appropriate? 19 19 A. No. didn't appreciate certain of the comments that you 20 had made to her, right? 20 Q. What do you tell Craig? When you go get A. No. 21 21 Steve Craig, what do you tell him? 22 22 Q. Did she ever let you know prior to this A. "I need to see you in this conference room. 23 23 meeting that your conduct or your comments were I'm meeting with Jesse and I want you to be there as 24 unwelcome? 24 a witness." Page 178 Page 180 Q. Did you tell him why? 1 A. No. 1 2 2 A. No, I did not. Q. Did she ever --3 MR. TUCKER: Objection. There was a 3 Q. Did you tell him that she said something to 4 suggestion during this meeting that she said any of 4 lead you to believe that this could get ugly quick? 5 5 those things. A. I did not. Q. Have you ever had a meeting with a male 6 MS. GURMANKIN: I don't know what the 6 7 objection is, but you can object to form. 7 subordinate where you thought, based on something 8 MR. TUCKER: The objection is the 8 they said, that this could get ugly quick? 9 9 question's misleading because there is a suggestion A. Repeat the question one more time. 10 10 that she said that during this meeting. Q. Sure. Have you ever had a meeting with a 11 MS. GURMANKIN: Okay. You can object 11 male subordinate where they said something that led 12 you to believe this could get ugly quick? 12 to form. MR. TUCKER: No. I object to what I 13 A. No. 13 want to object. 14 14 Q. Did you ever have a meeting with a male 15 MS. GURMANKIN: Well, you -- it's got 15 subordinate where you pulled your supervisor in to be a witness? 16 to be a form. 16 17 17 MR. TUCKER: No. I'll object to the A. I have but I cannot recall specifics. 18 way I want to object. 18 Q. Do you recall who that meeting was with? MS. GURMANKIN: It's got to be to form, 19 19 A. So I do. I remember one for sure. Barry 20 if you want to follow the Rules, Joe. 20 Strayer. I remember calling him in because his MR. TUCKER: No. I follow the Rules, 21 performance wasn't meeting standards. So I did have 21 22 a witness in there. I don't think it was my Counsel. 22 MS. GURMANKIN: Well, then it would be 23 23 supervisor, but it was a witness so... 24 24 to form. Q. HR?

Page 181 Page 183 1 A. No. it wouldn't have been HR. not at that Q. All right. And does Craig come back in the 1 2 point. 2 room immediately? 3 3 Q. Why did you have a witness in that meeting? A. Yes. Q. Into Conference Room 120A? 4 A. Just so that way there's no 4 5 he-said-she-said-type conflict. This is here's the 5 A. Yes. 6 witness, this is what we talked about, and it's kind 6 Q. And how long are the three of you in there? 7 of documented. 7 A. I don't remember how long. 8 Q. And that was about Strayer's performance 8 Q. More than ten minutes? 9 9 issues? A. I can't remember. 10 A. Correct. 10 Q. What do you recall? 11 Q. And you had the witness in from the 11 A. I just recall Steve coming in. Jesse was 12 12 beginning? okay with that, and then I just gave Steve a recap 13 A. Correct. 13 of kind of what happened and where we were at to 14 Q. Because you wanted someone in there just to 14 that point. 15 15 see that conversation? Q. What did you tell Craig? 16 A. That's correct. 16 A. Just what I knew at that point, at the time 17 Q. Have you ever had a meeting with a male 17 that I knew that. 18 subordinate where you stopped the meeting and went 18 Q. Which is what? 19 and got your supervisor or anyone to act as a 19 A. I can't remember. 20 witness because you had concerns? 20 Q. Are you talking about just a recap of what A. Not that I recall. happened in the meeting up until that point? 21 21 Q. All right. So how long did you meet with 22 22 A. Yes. Jesse before you get Craig? Q. Did you tell him what happened prior to the 23 23 24 A. I'm going to say -- I don't want to 24 meeting that led you to have the meeting? Page 182 Page 184 1 1 A. I don't recall saying that, no. quess -- ten minutes. 2 2 Q. Did you say that when you went out to get Q. And you don't recall anything she said or 3 you said -- well, strike that. 3 him? 4 You don't recall anything she said 4 A. No. 5 5 Q. All right. So you give him a recap and other than "It's all your fault"? 6 A. That is what led up to believe something 6 then what? 7 was going to get bad, yes. 7 A. And then I can't remember what exactly 8 Q. Okay. My question is, do you remember 8 happens next, but I just know that it was -- we were 9 9 anything else she said -talking back and forth. Jesse started bringing up 10 10 A. No. issues that she thought I had done to her. And, 11 Q. -- in those ten minutes? 11 again, I don't know specifics but ... 12 12 MR. TUCKER: Let her finish, please. Q. Were some of those issues the allegations 13 THE WITNESS: I apologize. So sorry. 13 that she made against you regarding sexual 14 A. No, I do not. 14 harassment and discrimination? 15 Q. (BY MS. GURMANKIN) And do you recall 15 A. I don't believe so, not at that time. 16 anything you said in those ten minutes other than 16 Q. But you don't recall what they were? 17 17 "What's been going on with you?" A. That's correct. 18 A. No, that was all I said. 18 Q. Is it possible they were about the sexual 19 Q. So did she talk for the remainder of the 19 harassment? 20 ten minutes? 20 A. I wouldn't even care to guess, no. I don't 21 A. Yeah, she did. 21 know. 22 22 Q. But you can't remember anything else she Q. You don't know? 23 23 A. I don't know. said? 2.4 A. No, I do not. 24 Q. Okay. Because you don't recall what she

	Page 185		Page 187
1	said?	1	Q. Anything else?
2	A. That's correct.	2	A. That's it.
3	Q. And what do you say?	3	MR. TUCKER: You didn't tell her about
4	A. Nothing. I'm stunned. And then shortly	4	the bathroom breaks?
5	after that and I can't remember timing. Could be	5	THE WITNESS: The what?
6	a couple minutes. I don't know Steve asked me if	6	MR. TUCKER: You forgot to tell her
7	he could talk to her alone. I said absolutely. And	7	about the bathroom breaks.
8	so I left the room.	8	THE WITNESS: About what?
9	Q. And you don't recall how long the three of	9	MR. TUCKER: She said did we discuss
10	you were in there before you leave the room?	10	anything else.
11	A. No, ma'am.	11	THE WITNESS: Oh, the bathroom break?
12	Q. What are you stunned about?	12	Q. (BY MS. GURMANKIN) Anything else?
13	A. Just her allegations.	13	A. No, ma'am.
14	Q. What are her allegations?	14	Q. Okay. All right. After you leave the
15	A. That I was doing things to, you know,	15	meeting with Jesse and Craig, do you have a
16	either whatever she was accusing me of, I was	16	conversation with Craig after he's done meeting with
17	stunned over those allegations.	17	Jesse?
18	Q. What was she accusing you of?	18	A. I did.
19	A. I can't remember that.	19	Q. Okay. Tell me about that.
20	Q. Is it fair to say that the only thing that	20	A. He just said, "Look, Jesse's really upset.
21	would have stunned you is her allegations about you	21	She's got some things she's accused you of" and, you
22	sexually harassing her?	22	know, that was kind of it in the in the contents.
23	MR. TUCKER: Objection.	23	Didn't get into specifics of what he you know,
24	A. No. About whatever she her allegations	24	what she said, but that's kind of what it led to.
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	Page 186		Page 188
1	were towards me.	1	Q. But you understood the nature was sexual
2	Q. (BY MS. GURMANKIN) But you don't recall?	2	harassment and discrimination?
3	A. I do not recall.	3	A. No. No. It wasn't sexual harassment.
4	MR. TUCKER: I'm sorry; Caren. I'm	4	That's what she didn't bring that up in that
5	drinking too much. I have to go to the bathroom	5	meeting, but he didn't tell me it was sexual
6	again.	6	harassment, either. I didn't know that until
7	THE VIDEOGRAPHER: We are off record.	7	regardless.
8	Time is 11:39 a.m.	8	But no, he just said she had some
9	(A recess was taken.)	9	allegations against me that, you know, we need to
10	THE VIDEOGRAPHER: We are back on	10	get with HR on.
11	record. Time is 11:45 a.m.	11	Q. You didn't know about the sexual harassment
12	Q. (BY MS. GURMANKIN) What did you discuss	12	allegations until when?
13	during the break?	13	A. Until Megan Megan came to see me.
14	A. He told me to breathe and relax.	14	Q. Until the meeting with Megan?
15	Q. Anything else?	15	A. Yes.
16	A. That's about it.	16	Q. That's the first time you learned that
17	Q. Okay. You were out there for longer than	17	Jesse's allegations against you included sexual
18	it takes to say breathe and relax.	18	harassment allegations?
19	A. Because I was trying to explain to him, you	19	A. Correct, yes.
20	know, because I'm sitting here just like this, I'm,	20	I actually thought she well
21	like, anticipating everything you're saying. So I	21	Q. You thought what?
22	was asking him can I sit back in my chair, can I	22	A. I thought she was there because of my note
23	relax. But he said, "Just breathe. Just take your	23	to HR.
24	time and breathe." That's what it was about.	24	(<mark>Exhibit 55</mark> was marked.)

Page 192

Page 189

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- Q. (BY MS. GURMANKIN) You're being shown what's been marked as Exhibit 55.
- 3 Is this the note to HR that you were 4 just referring to?
 - MR. TUCKER: Could you take your time and read the document?
 - THE WITNESS: Yes.
 - A. Yes, I wrote that.
 - Q. (BY MS. GURMANKIN) Is this the document you just referred to?
 - A. Yes.

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- 12 Q. You thought Megan was coming up to talk to 13 vou about this document?
- 14 A. That's -- that -- that was what I thought, 15 yes.
- Q. Okay. Why do you draft this email? 16
- A. It says it sent it on 11/23. 17
- 18 Q. Why?
- 19 A. Why did I draft this particular email?
- 20 Q. Why did you draft and send this particular
- email marked as Exhibit 55? 21
- 22 A. Because I wanted Michelle and HR to -- to
- 23 look into her allegations.
- 24 Q. You didn't know what they were.

allegations that she's making?

- A. Well, I guess I was assuming -- because of what she already said in the meeting when I was in there, I'm assuming that's what they were.
- Q. But you don't remember what they were.
- A. No. But I remember her telling me something in the meeting which led me to believe that that's why this might get bad. That's why I went and got Steve Craig. Though I don't remember specifics, I do remember her telling me something that says, Hey, this is your fault, whatever that is, and that's why I went and got Steve Craig.
- Q. Well, other than sexual harassment or some kind of discrimination, what else could she have said that made you think this could get ugly real
- A. Well, being how everything is my fault would be a huge indicator to me that, you know, she's thinking I'm to blame for her moodiness or lack of performance.
- Q. Is it your testimony that when you concluded that what she said led you to think this could get ugly real quick, did the thought that she's accusing you of sexual harassment or

Page 190

- A. Well, I'm saying right here that she said I was the problem and I asked why.
- 2 3 Q. Well, before you send this email, you've
- 4 had the follow-up conversation with Steve Craig
- 5 after he's done meeting with her, right?
- 6 A. Uh-huh.
- 7 Q. Yes?
- 8 A. Yes.
- Q. And he tells you that she's making 9
- 10 allegations against you?
- 11 A. Correct.
- 12 Q. Do you ask him, What allegations are you
- 13 talking about?
- 14 A. I probably did. I don't recall
- 15 specifically asking that, but I probably did.
- 16 Q. Are you saying you probably did because you 17
- would want to know what --
- 18 A. I would want to know what allegations, yes.
- Q. Okay. But you don't recall asking, right? 19
- 20 A. No, I don't.
- Q. Okay. Do you recall him telling you? 21
- 22 A. I don't.
- 23 Q. So at any point before you're sending this
- email, do you ask him, Can you tell me what are the 24

- discrimination cross your mind at that point?
- A. Not at all. 2
 - Q. Even though that's something that could get
- 4 ugly real quick, if she's accusing you of that, 5 right?
- 6
 - A. If she was accusing me of that, yeah, that could get ugly quick.
 - Q. All right. And why are you sending this to Michelle Priest?
 - A. I want her to come in and -- and
- 11 investigate what she's saying. 12
 - Q. All right. This email, it looks like it's sent two days after that meeting with Jesse that we just talked about. Is that right?
 - A. Yes, it looks like that.
- Q. So you say, "Michelle, Monday afternoon 16 17 (11/21/2016) I called Jesse Barnes into Room 120A to
 - have a one-on-one discussion about recent
- 19 performance concerns. After talking with her for a
- 20 few minutes, she started saying that I was the
- 21 problem. I asked why I was problem, and she stated
- that I always put her down, telling her nothing was 22 23 ever done correctly, etc.
 - "After only a few minutes into this, I

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- asked her to hold tight until I went and got Steve.
- 2 She agreed to this and Steve joined the
- 3 conversation.

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"Talking with Steve today, I don't want to let this go. I haven't (in my opinion) ever done anything wrong. Now, I know I have said some things that I shouldn't have but apologized for saying it. I guess what I'm wondering if we can discuss this. Everything has been fine this week (between her and me) and as far as business goes. I don't want this to get out of hand or I fear that I cannot coach her

"Anyway, let's discuss, Michelle, when you return to work. Thank you very much?"

Did I read that correctly?

16 A. Correct.

because of this.

- 17 Q. You wrote this by yourself?
- 18 A. Yes.
- 19 Q. And was Michelle Priest the HR support for 20 your group at the time?
- A. Yes. 21
- Q. That's why you are sending this to her? 22
- 23 A. That's correct.

with Jesse?

24 Q. Why are you copying Craig? Page 195

- 1 A. I wanted her to discuss so that way we can 2 figure out what's going to happen.
- 3 Q. Well, you said you wanted her to
- 4 investigate Jesse's allegations. Why don't you say 5 that in here if that's what you are looking for?
 - A. Because I'm just asking Michelle, so let's discuss it.
 - Q. Well, if what you want is for her to investigate Jesse's allegations, why don't you just say that?
 - A. I guess because I wanted just to discuss it first.
 - Q. And you wanted Michelle to know that Jesse has performance concerns, according to you, right? I mean, that's the first thing you say to her.
 - A. So I wanted her to get the contents of what the meeting was about so she understood it.
- 18 Q. You didn't even tell her that. You just 19 said, "I was calling Jesse in to talk about recent 20 performance concerns."
 - A. That's correct.
- 22 Q. You don't give her any context, do you?
 - A. Well, performance concerns I think is
- 24 relevant to contents.

Page 194

- 1 A. Because he was involved in it, and he is my 2 supervisor.
 - Q. Before -- or between the time that you talked to Craig immediately after the meeting with Jesse and you sending this email, did you have conversations with anyone at Shell about the meeting
 - A. So say that one more time.
 - Q. Sure. Between the meeting with Jesse on Monday afternoon November 21 and the follow-up discussion you had with Steve Craig as soon as he finished his meeting with her and you sending this email on November 23 at 1:08 p.m., did you talk to anyone at Shell about the meeting with Jesse?
- 15 A. I don't believe so, no.
- 16 Q. So why do you wait two days before sending this?
- 17
- 18 A. I'm not sure. I don't know if it was a
- 19 weekend or not. I'm not sure.
- 20 Q. You don't actually say anywhere in this email asking Michelle to investigate Jesse's 21 22 allegations, right?
- A. That's correct. 23
- 24 Q. But that's what you wanted her to do?

Q. But you don't tell her what performance concerns?

Page 196

- A. No.
- Q. You don't tell her what it was about?
- A. Not in this email, no.
- 6 Q. When you say, "I know I have said some 7 things that I shouldn't have but apologized for saying it," what you are talking about?
 - A. I don't remember. I read that. But I think Jesse might have brought something up in the meeting that I might have said and I apologized for it. but I can't remember the detail of what it was.
 - Q. Did she?
- 14 A. I'm -- I'm thinking she did, but I can't 15 remember.
 - Q. Do you remember why you wrote this?
- 17 A. Yeah, because it was only a couple of days 18 later?
 - Q. Do you remember why you wrote that statement, "I have said some things that I shouldn't have but apologize for saying it"?
 - A. Only reason why I'm thinking I did that is because she said something that I said, and that's when I probably apologized to her in the meeting.

	Page 197		Page 199
1	That's I'm just	1	A. I think let me let me take that back.
2	Q. Are you guessing?	2	Steve Craig came to me and said before
3	A. I am guessing.	3	that meeting that she is here to investigate
4	Q. Okay. As you sit here today, do you	4	allegations that Jesse had and then I was going to
5	remember what you were referring to when you said to	5	have to meet with her. And that was maybe an hour
6	Priest, "I know I have said some things that I	6	or so before I met with her.
7	shouldn't have"?	7	Q. Okay. Because earlier you testified that
8	A. I do not know.	8	you thought she was there to discuss your email to
9	Q. Did Priest ever ask you?	9	Michelle Priest marked as Exhibit 55.
10	A. I don't recall.	10	A. That's correct.
11	Q. You don't recall one way or the other?	11	Q. So and you thought that up until the
12	A. No, I don't.	12	time that you actually met with her?
13	Q. Did Steve Craig ever ask you what you meant	13	A. Correct.
14	by that?	14	Q. Okay. But Craig is telling you something
15	A. I don't recall.	15	different an hour before you meet with her, right?
16	Q. Did you talk to Priest about this email?	16	MR. TUCKER: Objection.
17	A. I don't recall that.	17	A. No. He's telling me that he she is
18	Q. Was she on vacation at the time?	18	coming to meet for allegations, but I thought it was
19	A. I don't remember.	19	still the same thing that I had put in, that I had
20	Q. Did you document that meeting with Jesse in	20	raised up. I didn't know and I still didn't know
21	any other form other than this email marked as	21	that Jesse had made allegations until Megan told me.
22	Exhibit 55?	22	I just thought they were tied together.
23	A. I don't recall.	23	Q. (BY MS. GURMANKIN) You actually don't say
24	Q. Had you told Steve Craig you were going to	24	in Exhibit 5 that Jesse's made allegations against
	a. That you told blood of any you have going to		
	Page 198		D 000
	1030 170		Page 200
1	send it before you sent it?	1	you, do you?
1 2	send it before you sent it? A. I don't recall that, neither.	1 2	you, do you? MR. TUCKER: Exhibit 55.
	send it before you sent it?		you, do you?
2	send it before you sent it? A. I don't recall that, neither. Q. Okay. So what's your next communication with anyone after this after you send this email	2	you, do you? MR. TUCKER: Exhibit 55.
2	send it before you sent it? A. I don't recall that, neither. Q. Okay. So what's your next communication	2 3	you, do you? MR. TUCKER: Exhibit 55. A. Exhibit 55?
2 3 4	send it before you sent it? A. I don't recall that, neither. Q. Okay. So what's your next communication with anyone after this after you send this email	2 3 4	you, do you? MR. TUCKER: Exhibit 55. A. Exhibit 55? Q. (BY MS. GURMANKIN) Yes, the email that we
2 3 4 5	send it before you sent it? A. I don't recall that, neither. Q. Okay. So what's your next communication with anyone after this after you send this email about the meeting with Jesse or about this email? A. I don't think I had any. I know I didn't have any with anyone.	2 3 4 5	you, do you? MR. TUCKER: Exhibit 55. A. Exhibit 55? Q. (BY MS. GURMANKIN) Yes, the email that we were just looking at. MR. TUCKER: Because you said "Exhibit 5."
2 3 4 5 6	send it before you sent it? A. I don't recall that, neither. Q. Okay. So what's your next communication with anyone after this after you send this email about the meeting with Jesse or about this email? A. I don't think I had any. I know I didn't	2 3 4 5 6	you, do you? MR. TUCKER: Exhibit 55. A. Exhibit 55? Q. (BY MS. GURMANKIN) Yes, the email that we were just looking at. MR. TUCKER: Because you said
2 3 4 5 6 7	send it before you sent it? A. I don't recall that, neither. Q. Okay. So what's your next communication with anyone after this after you send this email about the meeting with Jesse or about this email? A. I don't think I had any. I know I didn't have any with anyone. MR. TUCKER: You don't think you had any or you know you don't?	2 3 4 5 6 7	you, do you? MR. TUCKER: Exhibit 55. A. Exhibit 55? Q. (BY MS. GURMANKIN) Yes, the email that we were just looking at. MR. TUCKER: Because you said "Exhibit 5." MS. GURMANKIN: I'm sorry; I meant "55" if I said "5."
2 3 4 5 6 7 8	send it before you sent it? A. I don't recall that, neither. Q. Okay. So what's your next communication with anyone after this after you send this email about the meeting with Jesse or about this email? A. I don't think I had any. I know I didn't have any with anyone. MR. TUCKER: You don't think you had any or you know you don't? THE WITNESS: I didn't have any.	2 3 4 5 6 7 8 9	you, do you? MR. TUCKER: Exhibit 55. A. Exhibit 55? Q. (BY MS. GURMANKIN) Yes, the email that we were just looking at. MR. TUCKER: Because you said "Exhibit 5." MS. GURMANKIN: I'm sorry; I meant "55" if I said "5." MR. TUCKER: You did say "5."
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sending this email to Michelle Priest, you did know

that Jesse had made allegations against you. You

Page 201 Page 203 Q. (BY MS. GURMANKIN) And you also -- and you 1 1 just didn't know what they were about, right? 2 also said --2 A. No. Jesse -- no. Jesse made remarks in 3 3 MS. GURMANKIN: Joe, Joe -here that what I'm calling allegations. So she said 4 I was the problem. That's why I sent that note to 4 MR. TUCKER: You don't have to agree 5 5 with her for the sake of agreeing with her. Michelle. 6 6 MS. GURMANKIN: Joe, Joe, stop --Q. You testified under oath that in that 7 THE REPORTER: One at a time. 7 meeting with Jesse two days before you sent this 8 8 MR. TUCKER: I need you to stop and email Jesse made allegations against you. You 9 9 listen to her question. Okay? testified to that numerous times. 10 THE WITNESS: Okay. 10 Is that true? 11 MR. TUCKER: You don't need to agree 11 A. During that meeting, yes. with her. As I told you before, stop and breathe. 12 12 Q. Okay. And you have also testified numerous times that Craig told you immediately after the 13 THE WITNESS: Okay. 13 14 MS. GURMANKIN: The question's been 14 meeting when he met with Jesse alone that she made 15 15 allegations against you? answered. 16 Q. (BY MS. GURMANKIN) And Steve Craig told 16 MR. TUCKER: Objection. He's not 17 you after the meeting that Jesse made allegations 17 testified to --18 against you, right? 18 Q. (BY MS. GURMANKIN) Correct? 19 A. Correct. 19 MR. TUCKER: Objection to the use of 20 Q. And both of those were before you sent this 20 your term "numerous times." 21 email to Michelle Priest, right? Q. (BY MS. GURMANKIN) Is that correct? 21 22 MR. TUCKER: Let me -- Counsel, please A. Ask the question again. 22 23 23 Q. Sure. The meeting with Jesse and the let me finish. 24 24 conversation with Steve Craig both happened before Objection to the use of the term Page 204 Page 202 1 you send this November 23 email to Michelle Priest? 1 "numerous times." 2 MS. GURMANKIN: I didn't say "numerous 2 A. That's correct. 3 Q. So you did know as of the time that you 3 times." But you can object to form. 4 sent this email that Jesse had made allegations 4 MR. TUCKER: Can we go back and have 5 5 the question read -- read back, please, so that we against you? 6 A. No. She was alluding to allegations during 6 can correct counsel? 7 that meeting is what I'm referring to. Allegations 7 THE REPORTER: "And you have also 8 not because they went to the HR hotline. It was 8 testified numerous times" --9 allegations what she's telling me that I was the 9 MR. TUCKER: Did you say the word 10 problem. That's the allegations I'm referring to. 10 "numerous," Counsel? Counsel, did you say the word 11 Q. I didn't talk about the HR hotline. 11 "numerous," or did the Court Reporter --12 A. I know that. But that's what I'm saying. 12 MS. GURMANKIN: I did. I did. My 13 So when I say "allegations," that's what I meant, 13 apologies. 14 what she said I did. MR. TUCKER: Okay. Apology is 14 15 Q. Right. Jesse made allegations against you 15 accepted. 16 in the November 21 meeting? MS. GURMANKIN: Are you done? 16 17 A. Correct. 17 MR. TUCKER: Objection. 18 Q. And Craig told you immediately after that 18 Q. (BY MS. GURMANKIN) You also testified that meeting that Jesse made allegations against you? Steve Craig told you immediately after the meeting 19 19 20 A. It was basically following up from what I when he meets with Jesse one-on-one that Jesse made 20 21 already knew, correct. 21 allegations against you, right? 22 Q. All right. So at the time that you are 22 A. Correct.

Q. Okay. So you knew prior to you sending

this email to Michelle Priest that Jesse had made

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- allegations against you. You just didn't know what they were in reference to, correct?
- A. So I want to make sure we are on the same page here. I'm only saying I only knew what she told me in that meeting prior to me getting Steve Craig in there.
- Q. Right. You knew that she had made allegations against you?
 - A. In that meeting, correct.
- Q. And you also knew immediately after the meeting per Craig that she's made allegations against you?
 - A. Correct.
- Q. So you know prior to you sending your email to Michelle Priest that Jesse has made allegations against you?
- A. Correct.

Q. Okay. So you said earlier that you did not say in your email to Michelle Priest that Jesse's made allegations against you because you didn't know. But that's not true, is it?

MR. TUCKER: Objection; that is absolutely misleading. He has testified about what the, quote, allegations were as the term is being

Page 207

Q. Sure. When you testified a few minutes ago

- Q. Sure. When you testified a few minutes ago that you did not include in your email to Michelle
- 3 Priest that Jesse had made allegations against you
- 4 because you didn't know at that time that she had
- 5 made allegations against you, that's not true, is 6 it?
 - A. That is true because I told Michelle in my email what allegations she said -- she had said against me.
 - Q. Why didn't you say to Michelle Priest,"Jesse's made allegations against me"?

MR. TUCKER: Objection. He has said he said in this email what the allegations were.

- Q. (BY MS. GURMANKIN) Why didn't you say the words "Jesse's made allegations against me" in this email?
- 17 A. Poor choice of words, I guess. I don't 18 know.

MR. TUCKER: You don't have to say it's "poor choice of words." Just say why.

MS. GURMANKIN: Stop correcting his answers if you don't like them, Joe. He's answering the question.

MR. TUCKER: No. Because you are

Page 206

used here.

MS. GURMANKIN: Please don't make speaking objections.

MR. TUCKER: I will not let you pollute the record with misleading questions where he is talking about the allegations and he said what they were, and now you are trying to conflate the allegations.

MS. GURMANKIN: Joe, please, your speaking objections are for the purpose of coaching.

MR. TUCKER: We'll take it up with the Judge, but you may ask your question. Because you are trying to mislead the witness. It's improper.

MS. GURMANKIN: You need my question repeated?

THE WITNESS: Please.

- Q. (BY MS. GURMANKIN) Okay. When you testified a few minutes ago that you did not include in your email to Michelle Priest that Jesse had made allegations against you because you didn't know that she had made allegations against you, that wasn't true, was it?
- A. Repeat the question one more time, and I apologize because I want to make sure this is clear.

Page 208

- misleading. Because you have taken -- he has said -- I really don't want to give this speaking objection. Just go ahead.
- Objection to you trying -- you askingmisleading questions.

MS. GURMANKIN: It's a cross-examination. That's what I'm doing.
MR. TUCKER: This isn't

cross-examination.

MR. TUCKER: This is a discovery
deposition, Counsel, and I think you know the rules
about a discovery deposition.

MS. GURMANKIN: Yes, it is.

MS. GURMANKIN: And I think you know that I can -- this is a cross-examination.

MR. TUCKER: Let me finish, Counsel.

You also know we should speak one at a time. I think you know the rules for discovery is not cross-examination.

MS. GURMANKIN: You know that he's being cross-examined. You know that's proper. He's an adverse witness.

MR. TUCKER: No, no, I do not -- let me --

Barnes v. Shell Exploration & Production Company Appalachia, et al. Page 209 1 MS. GURMANKIN: You should. 1 2 MR. TUCKER: We have different rules. 2 3 3 I -- I just started at this, and you have been doing 4 4 this a little longer than me. 5 5 But either way, this is the discovery 6 6 deposition. You may conduct it like you think 7 you're cross-examining someone, but this is not a 7 8 cross-examination. But I now understand that you 8 questions are misleading. 9 9 are cross-examining the witness is what you have 10 been doing. Then go ahead. Continue to 10 11 cross-examine the witness in this discovery 11 12 12 deposition. 13 MS. GURMANKIN: Okay. 13 Counsel. 14 MR. TUCKER: You need to make sure that 14 15 15 you and she are using the same term. 16 THE WITNESS: Okay. 16 17 MR. TUCKER: Okav? 17 18 THE WITNESS: Yes, sir. 18 19 19 MR. TUCKER: Since this is your 20 cross-examination, I'm going to -- since you have 20 categorized this as cross-examination, I'm going to 21 21 22 22 make appropriate objections. 23 23 MS. GURMANKIN: I can ask leading 24 24 questions, Joe. It's not --

you have misleading questions to -- to my client. I will not let you pollute the record. I will not let you do it, and I will protect the record from you making misleading questions that you know are misleading and you know it's not right. And I'm going to continue to make objections to your misleading questions. I'm going to tell you how the

MS. GURMANKIN: I understand that you don't like some of his answers, but that doesn't give you the right --

MR. TUCKER: I was not finished,

MS. GURMANKIN: Go ahead.

MR. TUCKER: If you would like to use part of your time arguing with me back and forth, because we are going to stop at seven hours, then you can continue to do that. But I will continue to object to your misleading questions.

MS. GURMANKIN: What's taking up the time is your speaking objections.

Q. (BY MS. GURMANKIN) Why didn't you tell Michelle Priest in your email that Steve Craig told you that Jesse had made allegations against you?

Page 210

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              MR. TUCKER: But which one is this?
              MS. GURMANKIN: Joe, stop.
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              MR. TUCKER: But which is this? Is
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       this you asking leading questions or is this
 5
       cross-examination?
 6
              MS. GURMANKIN: Stop. Stop.
 7
              MR. TUCKER: Counsel, on the record,
 8
       please do not refer to me as "Joe."
 9
              MS. GURMANKIN: Mr. Tucker, please
10
       stop.
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              MR. TUCKER: Counsel -- I'm going to
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say Counsel --MS. GURMANKIN: You keep interrupting me. Mr. Tucker, you keep interrupting me. You ask me not to do the same. You have repeatedly interrupted me. Okay? Please let me talk.

You are making speaking objections. You are coach -- you are doing so to coach the witness, and it's got to stop. Okay? You are making speeches on the record. Please stop.

I'm going to ask my questions. You do this after he answers. It's got to stop. Thank you.

MR. TUCKER: Counsel, I will not let

Page 212

Page 211

1 A. I just didn't use the word "allegations" 2 but that's -- he told me exactly what I put in my 3 email, and that's just the way I worded it.

> Q. Well, why didn't you tell Michelle Priest that this also came, not only from Jesse, but also from Steve Craig?

A. Well, again, I -- because I CC'd Steve Craig, I wanted to talk to Michelle about all what -- what transpired. And then I also state in here that I got Steve Craig so he knew the same that I knew, unless she told him something different when I wasn't in the room. But he didn't tell me anything different that I already knew. So she already says I was the problem, and that -- that was the conversation. That's why I wanted to talk to Michelle.

Q. Well, according to your earlier testimony, Craig didn't give you any details. He just said Jesse's made allegations against you. Is that true?

A. That's true.

Q. All right. So you don't know what Jesse said to Craig after you left the room?

A. That is true.

Q. Because he didn't tell you and you didn't

	Page 213		Page 215
1	ask	1	before you meet with Kloosterman that she's doing
2	A. But he was there when	2	investigations into allegations that Jesse's made,
3	Q right?	3	does he tell you what the allegations are?
4	A I was in there, correct.	4	A. No.
5	Q. All right. And you said, "Talking with	5	Q. Okay. Even generally?
6	Steve today, I don't want to let this go." What's	6	A. No.
7	that conversation you had with Steve on November 23?	7	Q. Do you ask?
8	A. He was probably recapping what was what	8	A. No.
9	was going on, hence the reason why I sent the email.	9	Q. Why?
10	Q. Are you guessing?	10	A. Because I assumed it was because of this.
11	A. No. I know for a fact.	11	Q. Your email?
12	Q. All right. Tell me about your conversation	12	A. Yes, ma'am.
13	with Steve Craig on November 23.	13	Q. All right. Showing you what's been marked
14	A. He just said, Listen, we need to make sure	14	as Exhibit 19. These are Megan Kloosterman's notes
15	that Michelle gets involved in this and that that	15	of her conversation with you.
16	way we can cut off anything if there is going to be	16	MR. TUCKER: Do you want to take a
17	any issues. Now, that is not verbatim. That is	17	lunch break now?
18	just ad lib of kind of what he said.	18	MS. GURMANKIN: Let me get through a
19	Q. How did that conversation start? Who	19	couple of them.
20	initiated it?	20	MR. TUCKER: Okay.
21	A. I don't recall that. I just know we spoke	21	Q. (BY MS. GURMANKIN) Have you seen this
22	about it.	22	document before?
23		23	A. Yes, ma'am.
24	Q. All right. So you did talk to someone else at Shell about these issues excuse me between	24	Q. Okay. Was that in preparation for your
24	at Shell about these issues excuse the between	24	Q. Okay. Was that in preparation for your
	Page 214		Daga 216
	2		Page 216
1	your follow-up meeting with Craig after the meeting	1	deposition?
1 2		1 2	
	your follow-up meeting with Craig after the meeting		deposition?
2	your follow-up meeting with Craig after the meeting on Monday and you sending this email, right?	2	deposition? A. Yes.
2	your follow-up meeting with Craig after the meeting on Monday and you sending this email, right? A. No.	2	deposition? A. Yes. Q. Did you see it prior to that?
2 3 4	your follow-up meeting with Craig after the meeting on Monday and you sending this email, right? A. No. Q. You had a conversation with Steve Craig on	2 3 4	deposition? A. Yes. Q. Did you see it prior to that? A. No.
2 3 4 5	your follow-up meeting with Craig after the meeting on Monday and you sending this email, right? A. No. Q. You had a conversation with Steve Craig on the day that you are sending this email before you	2 3 4 5	deposition? A. Yes. Q. Did you see it prior to that? A. No. Q. Did you document the meeting with
2 3 4 5 6	your follow-up meeting with Craig after the meeting on Monday and you sending this email, right? A. No. Q. You had a conversation with Steve Craig on the day that you are sending this email before you sent the email, right?	2 3 4 5 6	deposition? A. Yes. Q. Did you see it prior to that? A. No. Q. Did you document the meeting with Kloosterman?
2 3 4 5 6 7	your follow-up meeting with Craig after the meeting on Monday and you sending this email, right? A. No. Q. You had a conversation with Steve Craig on the day that you are sending this email before you sent the email, right? A. Correct.	2 3 4 5 6 7	deposition? A. Yes. Q. Did you see it prior to that? A. No. Q. Did you document the meeting with Kloosterman? A. Excuse me?
2 3 4 5 6 7 8	your follow-up meeting with Craig after the meeting on Monday and you sending this email, right? A. No. Q. You had a conversation with Steve Craig on the day that you are sending this email before you sent the email, right? A. Correct. Q. Okay.	2 3 4 5 6 7 8	deposition? A. Yes. Q. Did you see it prior to that? A. No. Q. Did you document the meeting with Kloosterman? A. Excuse me? Q. Did you take notes during the meeting with
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	your follow-up meeting with Craig after the meeting on Monday and you sending this email, right? A. No. Q. You had a conversation with Steve Craig on the day that you are sending this email before you sent the email, right? A. Correct. Q. Okay. A. But that's oh. Again, I assumed that you meant someone else other than Steve Craig that was already involved in that. Q. He's a Shell employee, right? A. That's correct. Q. Okay. So my question was anyone at Shell. A. Okay. I apologize. Q. Was there something about that that was confusing? A. No, ma'am. Q. Anything else that you recall about your conversation with Steve Craig on Wednesday the 23rd?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	deposition? A. Yes. Q. Did you see it prior to that? A. No. Q. Did you document the meeting with Kloosterman? A. Excuse me? Q. Did you take notes during the meeting with Kloosterman? A. No. Q. Did you document it in any way after the meeting? A. I believe I sent her some follow-up questions that she was asking because I I wasn't prepared. So I think she asked for some rebuttals. So yeah, I believe I I think I sent her I know I sent her an email, in fact. Q. Okay. But I mean, did you write down a memo, you know, this is what was said during the meeting with Kloosterman? Something to that effect?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	your follow-up meeting with Craig after the meeting on Monday and you sending this email, right? A. No. Q. You had a conversation with Steve Craig on the day that you are sending this email before you sent the email, right? A. Correct. Q. Okay. A. But that's oh. Again, I assumed that you meant someone else other than Steve Craig that was already involved in that. Q. He's a Shell employee, right? A. That's correct. Q. Okay. So my question was anyone at Shell. A. Okay. I apologize. Q. Was there something about that that was confusing? A. No, ma'am. Q. Anything else that you recall about your conversation with Steve Craig on Wednesday the 23rd? A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	deposition? A. Yes. Q. Did you see it prior to that? A. No. Q. Did you document the meeting with Kloosterman? A. Excuse me? Q. Did you take notes during the meeting with Kloosterman? A. No. Q. Did you document it in any way after the meeting? A. I believe I sent her some follow-up questions that she was asking because I I wasn't prepared. So I think she asked for some rebuttals. So yeah, I believe I I think I sent her I know I sent her an email, in fact. Q. Okay. But I mean, did you write down a memo, you know, this is what was said during the meeting with Kloosterman? Something to that effect? A. I don't recall writing that down.
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Page 219 Page 217 1 MR. TUCKER: Of course he is going to 1 the meeting with Kloosterman? 2 MR. TUCKER: You cannot tell her 2 listen to my instructions. 3 3 anything that you discussed with counsel. A. Yes. 4 Q. (BY MS. GURMANKIN) Did you notice anything THE WITNESS: Okay. 4 5 5 MR. TUCKER: So with that caveat, other that was not true in this memo marked as 6 than any discussions you've had with counsel, you 6 Exhibit 15 -- I'm sorry; 19? 7 can answer that question. 7 A. There was some things that -- that weren't 8 8 THE WITNESS: Okay. the full truth, correct. 9 9 A. It -- it seems -- it seems accurate. There Q. Okay. What wasn't the full truth? 10 could be some discrepancies somewhere, but most 10 A. The showing him in my underwear. That everything's intact. 11 wasn't the full truth. 11 Q. (BY MS. GURMANKIN) Did you see any 12 12 Q. Okay. Where are you? 13 discrepancies when you reviewed it? 13 A. I apologize. I'm on page 3. 14 MR. TUCKER: Other than any 14 Q. That's the first bullet point under the 15 15 conversations you had with me that may have "supervisor" heading? 16 indicated such. 16 A. That's correct. 17 Q. It says, "I have been shown a 'selfie' of 17 A. So then no. 18 Q. (BY MS. GURMANKIN) Did you see any 18 my supervisor in his underwear by him." And then 19 19 under that "Me, Ken and Jesse were there." discrepancies? 20 A. I did but I -- I did discuss them with --20 Second bullet point, "We were showing 21 with -- with counsel. 21 pictures. Chad was showing picture of him boxing, posing in his shorts. So I showed a picture of me 22 22 Q. What discrepancies did you see? MR. TUCKER: Do not answer. 23 in my underwear to the group." 23 24 24 THE WITNESS: Okay. I read that correctly? Page 218 Page 220 1 MR. TUCKER: Do not answer that 1 A. Correct. 2 2 Q. What's not true about that? question. MS. GURMANKIN: What discrepancies did 3 3 A. I was not in my underwear. 4 he see? How does that go to a communication? I'm 4 Q. Okay. You were in your compression shorts? 5 5 not asking him about what he talked to you about. A. Yes, ma'am. 6 MR. TUCKER: You can go through the 6 Q. Did you tell Kloosterman you were wearing 7 memo with him, if you want. 7 compression shorts in the picture? 8 MS. GURMANKIN: You are not -- you are 8 A. I don't recall saying I wore -- telling her 9 answering my question? 9 that. I just recall the selfie itself. So that's 10 MR. TUCKER: I'm not being deposed. 10 why it wasn't my underwear. 11 Do not answer that question because it 11 Q. Did you tell her you were in your 12 is attorney-client privilege. 12 underwear? MS. GURMANKIN: How does that go to 13 13 A. I did not. 14 attorney-client privileged communication? 14 Q. Did you tell her that other than Chad, 15 Q. (BY MS. GURMANKIN) Okay. You are 15 someone else showed a picture of themselves working 16 listening to your attorney's instruction not to 16 17 answer? 17 A. I don't recall but I don't see it in here, 18 MR. TUCKER: Yes, he is going to listen 18 either. 19 to my instruction. 19 Q. Did she ask if you had the picture on your 20 MS. GURMANKIN: I need him to answer 20 that question. You are not being deposed, as you 21 21 A. I don't recall if she did, but I know I 22 iust said. looked for it. but I don't -- I don't remember if 22 23 Q. (BY MS. GURMANKIN) Are you listening to 23 she asked me that question or not. your attorney's instruction not to answer? 24 24 Q. Anything else that's not the full truth?

	Page 221		Page 223
1	A. That's it.	1	A. I I don't recall that.
2	Q. Okay. All right.	2	Q. Is that the first time that she ever had
3	MS. GURMANKIN: Let's take a lunch		complained to you about that?
4	break.	4	A. Yes.
5	THE VIDEOGRAPHER: We are off record.	5	MR. TUCKER: "That" being having put
6	Time is 12:13 p.m.		her down?
7	(A recess was taken.)	7	MS. GURMANKIN: Uh-huh.
8	THE VIDEOGRAPHER: We are back on	8	MR. TUCKER: Okay. Repeat the question
9	record. Time is 1:02 p.m.		to yourself.
10	Q. (BY MS. GURMANKIN) We talked earlier about	10	THE WITNESS: Okay.
11	the texts that you had deleted before you sent the	11	Q. (BY MS. GURMANKIN) Did anyone tell you
12	phone back to Shell.		that Jesse had complained about you putting her down
13	A. Uh-huh.		before?
14	Q. Were they actually deleted off of your work	14	A. No.
15	phone?	15	Q. All right. Going back to Exhibit 19, which
16	A. Yes.		is Megan Kloosterman's notes of your interview with
17	Q. Okay. On your personal phone, did you ever		her, so at what point during the meeting do you
18	text with Shell people during your employment?		realize that Jesse has made allegations of sexual
19	A. Some people maybe, yes, but not the		harassment and discrimination against you?
20	general general folks, yeah.	20	A. I'm almost I would think very
21	Q. Okay. At any time have you looked on your		beginning of the meeting.
22	personal phone to see if you have any texts that are	22	Q. What did Kloosterman say to you that led
23	relevant to Jesse Barnes or her complaints?		you to that?
24	A. I do not.	24	A. She basically told me, you know, that Jesse
	,		,
	Page 222		Page 224
			5
1	Q. You have not?	1	filled out a complaint with HR online, and we are
1 2	Q. You have not? A. I haven't I haven't I haven't checked		
		2	filled out a complaint with HR online, and we are
2	A. I haven't I haven't I haven't checked	2	filled out a complaint with HR online, and we are going to go over a series of questions of those
2	A. I haven't I haven't I haven't checked it, but I I just know I don't have any on there.	2 3 4	filled out a complaint with HR online, and we are going to go over a series of questions of those complaints. Some of them are going to be how did
2 3 4	A. I haven't I haven't I haven't checked it, but I I just know I don't have any on there. Q. So you have not checked to see, correct?	2 3 4 5	filled out a complaint with HR online, and we are going to go over a series of questions of those complaints. Some of them are going to be how did she put it? sensitive in nature. So if I need
2 3 4 5	 A. I haven't I haven't I haven't checked it, but I I just know I don't have any on there. Q. So you have not checked to see, correct? A. That's correct. 	2 3 4 5	filled out a complaint with HR online, and we are going to go over a series of questions of those complaints. Some of them are going to be how did she put it? sensitive in nature. So if I need time, take my time, answer the questions. That's
2 3 4 5 6	 A. I haven't I haven't I haven't checked it, but I I just know I don't have any on there. Q. So you have not checked to see, correct? A. That's correct. Q. Okay. All right. Looking back at 	2 3 4 5 6 7	filled out a complaint with HR online, and we are going to go over a series of questions of those complaints. Some of them are going to be how did she put it? sensitive in nature. So if I need time, take my time, answer the questions. That's how it kind of started out.
2 3 4 5 6 7	A. I haven't I haven't I haven't checked it, but I I just know I don't have any on there. Q. So you have not checked to see, correct? A. That's correct. Q. Okay. All right. Looking back at Exhibit 55 for a second, which is your email to	2 3 4 5 6 7	filled out a complaint with HR online, and we are going to go over a series of questions of those complaints. Some of them are going to be how did she put it? sensitive in nature. So if I need time, take my time, answer the questions. That's how it kind of started out. Q. Did she tell you that Jesse's allegations
2 3 4 5 6 7 8	A. I haven't I haven't I haven't checked it, but I I just know I don't have any on there. Q. So you have not checked to see, correct? A. That's correct. Q. Okay. All right. Looking back at Exhibit 55 for a second, which is your email to Michelle Priest in November 2016, in the second	2 3 4 5 6 7 8 9	filled out a complaint with HR online, and we are going to go over a series of questions of those complaints. Some of them are going to be how did she put it? sensitive in nature. So if I need time, take my time, answer the questions. That's how it kind of started out. Q. Did she tell you that Jesse's allegations involved sexual harassment?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I haven't I haven't I haven't checked it, but I I just know I don't have any on there. Q. So you have not checked to see, correct? A. That's correct. Q. Okay. All right. Looking back at Exhibit 55 for a second, which is your email to Michelle Priest in November 2016, in the second sentence you say that Jesse started saying that you were the problem, that you asked why you were the problem and she stated that you always put her down, telling her nothing was ever done correctly. You see that? A. Yes, ma'am. Q. You testified earlier that what Jesse said to you was "It's all your fault." Does this refresh your recollection about other specifics that Jesse said to you? A. Yes. Q. Okay. Do you recall anything else? A. No. Q. Did Jesse give you examples about what she	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	filled out a complaint with HR online, and we are going to go over a series of questions of those complaints. Some of them are going to be how did she put it? sensitive in nature. So if I need time, take my time, answer the questions. That's how it kind of started out. Q. Did she tell you that Jesse's allegations involved sexual harassment? A. I can't recall that specifically. To the best of my knowledge, I don't remember. Q. All right. But you do recall coming to that realization during the course of the meeting? A. Yes. Q. Okay. How did Kloosterman introduce herself and her role? A. As in "I'm Megan Kloosterman. I'm from HR. I'm investigating." Q. Okay. So that's what she said? A. Yes. Q. Had you had any contact with her before this? A. No.

- Q. Other than Steve Craig, did you ever have any conversations with anybody about Kloosterman or the meeting with her before you meet with her?
- 4 A. No.

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- Q. All right. So let's go to the interviewquestions.
 - A. Okay.
- Q. No. 1, "Describe your current roles and
 responsibilities." And according to her, you said,
 "Been in role since January 2015."

You see that?

- 12 A. Yes.
 - Q. That should be January 2014, right?
- 14 A. Yes.
- Q. Okay. Do you recall telling her '15?
 - A. No. But again, some of the stuff in here,
- just she was -- I know we were talking, she was
- trying to make notes, and so that just could be an
- 19 oversight for her.
- Q. It's not possible you told her 2015?
- A. I don't believe, no.
- Q. Okay. No. 2, "Describe what event led you
- 23 to send the email to Michelle with your concerns,"
- which is Attachment 1.

Page 227

Page 228

- "A week later she didn't have any
 changes to the board. When I questioned her on why,
 she said, 'You know I have another job besides this
 board.' She had Jeremy do this. He said Jeremy
 said, 'I have another job to do.' She got really
 upset and said 'That's not funny.' She looked
 really mad.
 - "I said that isn't funny. This is important. I called her in to talk about it and she started flooding out all of these issues and how I treat her. She brought up a few examples, Pulse survey meeting. I apologized for saying what is the value of doing these things. I said, Jesse, it isn't about you; it's about business. And I apologized. I was hurt when she brought up that she has felt this way about me since she's been working with me. She says I put her down."

I read that correctly?

A. Yes.

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- Q. Do you recall saying that to Kloosterman?
 - A. I don't recall, but it's ad-libbed for what
- we talked about.
 - Q. What do you mean by "ad-libbed"?
 - A. So it may not be word for word. I think

Page 226

- 1 If you look at the bottom of page 7 2 onto page 8. Take a look at that.
 - A. What's that?
- 4 Q. Take a look at page 7 at the bottom.
 - A. Okay.
- 6 Q. Onto page 8. That's the email we just
- 7 looked at, your email to Michelle Priest in
 - November.
- 9 You see that?
- 10 A. Yes.
 - Q. Okay. So back to page 1. I just wanted
- you to see what she was referring to.
- 13 A. Okay.
- Q. And you told her, according to her notes,
- 15 "It's been building based on things Jesse has been
- doing. It's around -- it's been around the A3,
- which is on a visual board. I told her I wanted her
- to manage this board. Assigned this to her in
- October. She will send an email/ping/text that
- she's not ready. Then we will review what she does
- have. She created the board, and I critiqued it.
- Rory helped her and I said just remember LEAN is on
- this board. Rory won't know everything to put on
- 24 our board.

she's just typing stuff because some of that stuff don't make sense to me.

- Q. Okay. What doesn't make sense to you?
- A. Let's see, email sent, ping/texted she's not ready. Then when we review, she has create the
 - board --
 - Q. Just slow down if you're talking out loud so she can take it down.
 - A. I apologize.
- Anyway, the part about Rory, just -- it
 doesn't make sense. Again, she's taking notes. So
 conversation I believe took place. I just don't
 think it's word for word.
 - Q. Who is Rory?
 - A. Rory Hunter -- what was his role? He was a -- at the time I don't -- I think he was still an environmental tech, and he was into the LEAN, as well. So she probably went to him for advice.
 - Q. The visual board, is that the work issue that led to her kind of losing it's in mid-November 2016?
 - A. I can't be certain of it, but reading it, I mean, it kind of ties in. But I can't be certain of that.

- 1 Q. The part about Jeremy, "She had Jeremy do
- 2 this. He said Jeremy said, 'I have another job to
- 3 do.' She got really upset and said that's not
 - funny. She looked really mad," is that her lighting
- 5 into Jeremy that you testified to earlier that led
 - to you talking to her in mid-November?
- 7 A. Again, if that was -- if that -- if this is
- 8 the instance that I was referring to, then yes. But
- 9 I just can't be sure if that's the correct instance.
- 10 Q. But is that the way that she lit into 11 Jeremy?
- 12 A. That would be one way, yes.
- 13 Q. Well, is that the way that led to you
- 14 pulling her into Conference Room 120A and talking to
- 15 her in mid-November?
- 16 A. Again, if this was what I heard, then yes.
- 17 But I don't know if this is exactly what I heard on
- 18 that day.

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- Q. But you heard that at some point?
- 20 A. I heard this at some point?
- Q. Did you? 21
- 22 A. Correct, yes.
- Q. Okay. Is that an example of her losing her 23
- 24 temper and flying off the handle?

Page 231

- 1 that was a Shell People meeting is what it was. We
- 2 were in there. So every year we do the Shell People
- 3 survey, and then I go over the results with my
- 4 group. And then so we go over line-by-line item,
- 5 and we just kind of discuss what the -- what the 6
 - outcome was and how we can improve.

So she had said something about, you know, This doesn't make sense. I don't know why we

9 are doing this. This isn't -- there is no value in 10

this.

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And then I abruptly said, "Jesse, this isn't about Jesse Barnes. It's about Shell Oil

- 13 Company." That's what that was.
- Q. Did you apologize for that? 15 A. I did. It says, yes, I did.
 - - Q. Do you recall apologizing?
- 17 A. I don't recall it. I'm just looking at
- 18 what the note says.
 - Q. The comment that you made to Jesse was in
- 20 front of the team?
 - A. It was.
- 22 Q. Going on to page 2, next paragraph, "She
 - gets upset with the feedback of the board and she
 - gets upset about things."

Page 230

- 1 A. Correct.
- 2 Q. Saying "That's not funny"?
- 3 A. Yeah. But in a very loud voice.
- 4 Q. She said it in a really loud voice?
- 5 A. Yes.
- 6 Q. Did you tell Kloosterman that?
- 7 A. I'm sure of that.
- 8 Q. But that's not included here, right?
- 9 A. Again, it could just be what she's writing 10
- 11 Q. Yeah. I'm just asking you, that's not 12 included in here, right?
- 13 A. That's correct.
- 14 Q. Okay. You said -- I'm sorry; according to
- 15 Kloosterman, I said -- you said, "That isn't funny.
- 16 This is important. I called her in to talk about it
- 17 and she started flooding out all these issues and
- 18 how I treat her," does that sounds like the incident
- 19 that led to you talking to her in mid-November?
- 20 A. It does sound like that, yes.
- 21 Q. "She brought up a few examples, Pulse 22 survey meeting."
- 23 What happened with that?
- 24 A. So the Pulse survey meeting we had -- so

Page 232

What were you talking about the

feedback of the board? Was that the visual board? MR. TUCKER: You mean what does her

note refer to?

MS. GURMANKIN: Sure.

MR. TUCKER: I only say that because you suggested he said that, as opposed to what her note says.

MS. GURMANKIN: Okay. That's fair.

- Q. (BY MS. GURMANKIN) Do you recall saying that to Kloosterman?
- 12 A. Can you repeat the question?
 - Q. Sure. Do you recall saying to Kloosterman "She gets upset with the feedback of the board"?
 - A. I don't recall saying that to her, no.
 - Q. Did Jesse get upset with the feedback of the board?
 - A. She got upset guite a bit because I had her change it quite often.
 - Q. The visual board?
- 21 A. Yes.
- 2.2 Q. That's what was referred to on page 1, the
- 23 visual board that we talked about?
 - A. It could be one and the same, yes.

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it."

- Q. "She gets mad about everyone." Did you say 1 2 that to Kloosterman?
 - A. I don't know about them exact words, but this is what's written. I don't recall saying it,
- 5 but...

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- 6 Q. Did Jesse get mad about everyone?
- 7 A. She got mad about a lot of people, yes.
 - Q. Everyone?
- 9 A. I wouldn't say "everyone," but she got mad.
 - Q. "Matt Skolny used to be my backfill and I would ask him. It's never been brought up to me before. I was stunned and I couldn't believe it."

Did you say that to Kloosterman?

- A. No. I mean, not in these words. I don't know what she's writing down here, but...
- Q. Were you stunned in the meeting when you found out Jesse had been making allegations of sexual harassment against you?
- 19 A. Yes.
- 20 Q. Because you never engaged in conduct that you thought was sexually harassing? 21
- 22 A. Correct.
- 23 Q. "Mark is my peer and Hondo is one role
- 24 above me. I've been sharing these things with me."

Page 235

- Q. Before you stopped sending her to meetings, did you ask her if anything was going on?
 - A. No, but I have -- I have sent a text to her before and asked her like, you know, is everything okay? I even sent a text one time about "Smile. You know, it's just a meeting. We'll get through

And then I asked her -- you know, I did have to ask her on one particular meeting -- I think it was a safety meeting -- that she needed to start attending when she was working for me, because she wasn't going. She didn't think they added value. And I said, "Everything adds value. So just -- you

- 14 know, I want you to attend." 15 Q. Did you ever tell a male subordinate to 16 smile?
- 17 A. Not that I recall.
 - Q. Before you stopped sending her to meetings, did you tell Jesse something to the effect of, Look, I'm going to stop sending you to meetings because you seem disinterested?
- 22 A. I believe -- I don't recall that 23 particular -- no.
 - Q. What meetings did you stop sending her to?

Page 234

- 1 Do you recall saying something like that to
- 2 Kloosterman?
- 3 A. No. But the question "I have been sharing
- 4 these things with me," I don't even know -- is that
- 5 a typo?
- 6 Q. I don't know.
- 7 A. Yeah. We'd have to ask Megan. I really 8 don't know.
- 9 Q. Next paragraph, "I stopped sending her to meetings because she seems disinterested and wants 10 11 to leave. She acts like she has no interest.
- 12 Blames others for why things aren't right."
- 13 Did you say that to Kloosterman?
- 14 A. Yes.
- 15 Q. Is that true, that you stopped sending
- Jesse to meetings? 16
- 17 A. I did.
- 18 Q. Why was that?
- 19 A. Because she seemed disinterested and acted 20 like she wanted to leave. She just wasn't engaged.
- Q. How did she seem disinterested? 21
- 22 A. Just looking somewhere else, not paying
- attention to what's maybe on the board, could be on 23
- 24 her phone or just -- yeah.

Page 236

- A. Notification meetings, safety
- 2 meetings -- well, safety meetings she had to attend.
- 3 Notification meetings, planner scheduling meetings,
- 4 and sometimes every week we had a maintenance
- 5 meeting, if you will, for the hourly folks. That
- 6 meeting, as well.
 - Q. Next paragraph, "I get complaints from a lot of people about her attitude." I'll stop there

9 for a sec.

Is that what we talked about earlier?

- A. About her attitude?
- 12 Q. Yes.
- 13 A. Yes.
- Q. Did you tell Kloosterman that you get a lot 14 of complaints about her attitude? 15
 - A. It looks like I did, yes.
 - Q. Do you recall that or it's just from
 - looking?
 - A. Just from looking.
- Q. "She was really upset at Ken Foreman. I 20 told her she doesn't play nice in the sandbox." 21

Did you say that to Jesse?

- A. I believe I did say that, yes.
- Q. Did you say that to Foreman?

Page 237 Page 239 under that question. 1 A. That he doesn't play nice, yes. 1 2 Q. Was that in connection with that incident 2 A. Okay. 3 3 where Jesse says he told her that you told him to Q. All right? And the email was what we 4 looked at earlier marked as Exhibit 5 [sic] that you 4 help her with something? A. I can't -- I don't know for sure, but it 5 5 sent to Michelle Priest. 6 6 sounds like that is one incident -- once instance A. Okay. I understand. 7 that was that way. 7 Q. Okay. So first, the complaints that you 8 8 Q. How was that relevant to the allegations got about Jesse, does that have any relevancy to the 9 9 that Jesse was making against you for sexual allegations she is making of sexual harassment 10 harassment? 10 against you? A. I don't understand the question. 11 A. No. 11 12 Q. Well, you understood from what Kloosterman 12 Q. Does it benefit -- well, strike that. 13 said at the beginning that Jesse had made 13 Why didn't you tell Michelle Priest in 14 allegations of sexual harassment, right? 14 your email to her that you could -- you get 15 15 A. Uh-huh. complaints from a lot of people about Jesse's 16 Q. Yes? 16 attitude? 17 A. Yes. 17 MR. TUCKER: Objection. 18 Q. And that Kloosterman was investigating 18 A. Again, I sent Michelle a note saying I 19 19 wanted to talk to her about that particular those --20 A. Correct. 20 incident. It wasn't a formal, written documentation 21 of any kind. And so that's why I didn't put that in 21 Q. -- right? 22 22 So how do complaints that you got from the note. 23 Q. (BY MS. GURMANKIN) But it wasn't a 23 people about Jesse's attitude have any relevance to one-sentence email. I mean, you put in stuff about 24 her allegations of sexual harassment against you? 24 Page 238 Page 240 1 MR. TUCKER: Objection; misleading. 1 what Jesse said in the meeting and that you had 2 THE WITNESS: Answer? 2 performance concerns about Jesse, right? 3 MS. GURMANKIN: Yes. 3 A. Correct. 4 MR. TUCKER: Uh-huh. 4 Q. So why didn't you just include that you get 5 5 A. So I don't know what the -- these are -complaints from a lot of people about her attitude? 6 6 these are just my responses to something she asked MR. TUCKER: Objection; asked and 7 me. So I don't know what they -- what that was. 7 answered. 8 Q. (BY MS. GURMANKIN) So if you go --8 THE WITNESS: Go ahead and answer? MR. TUCKER: Counsel, I'll at least say 9 9 MS. GURMANKIN: Yes. 10 that now that you have finished a question, this is 10 A. Again, there is no reason why I didn't do 11 all under No. 2. 11 it. I just didn't do it. 12 Q. (BY MS. GURMANKIN) Were you trying to 12 MS. GURMANKIN: I know. portray Jesse in a negative light so her allegations 13 MR. TUCKER: Okay. 13 wouldn't be believed? Q. (BY MS. GURMANKIN) If you look at page 14 14 15 15 MR. TUCKER: Objection. 16 A. Yes, ma'am. 16 A. Absolutely not. Q. -- No. 2. 17 17 Q. (BY MS. GURMANKIN) So why would you tell 18 A. Uh-huh. 18 Kloosterman something that has no relevance to her Q. "Describe what event led you to send that 19 allegations of sexual harassment? 19 20 email to Michelle with your concerns." 20 MR. TUCKER: Objection; asked and A. Okay. 21 21 answered. Q. See that? 22 A. Again, just giving her some details of --22 A. Yes. 23 23 of what's going on, trying to give her the Q. Then continuing on to page 2, we are still 24 background because I want her to have both sides of 24

Page 243 Page 241 Okay? 1 the story. 1 2 Q. (BY MS. GURMANKIN) And no documentation 2 THE WITNESS: Okay. 3 from -- there is no documentation that exists prior 3 MR. TUCKER: You don't need to answer to your meeting with Kloosterman about any 4 4 just to give her an answer. Okay? 5 5 complaints that you have gotten about Jesse's THE WITNESS: Okay. 6 6 attitude. correct? Q. (BY MS. GURMANKIN) No, but if you are able 7 A. Other than her evaluations. 7 to answer without looking at the document, then you 8 8 Q. Well, you talked about her frustration with need to answer. 9 9 management positions, right? MR. TUCKER: I'm giving you my 10 A. That's correct. 10 instructions. If she's asking about a document, 11 Q. But not that you are getting complaints 11 you'll follow my instructions. You take your time. 12 12 about her attitude, correct? You look at the document. Okay? 13 A. So I just want to make a clarification. So 13 THE WITNESS: Okay. 14 when we write up evaluations on someone, you want to 14 Q. (BY MS. GURMANKIN) All right. Page 2 of 15 make it to where it fits what the IPF is. And so 15 Exhibit 19. 16 what I'm trying to say is, just because she had a 16 A. Okay. 17 list of things that, you know, opportunities to 17 Q. "When I told her I wanted her to train the CATS people how to do it themselves, she thinks 18 improve on doesn't mean I'm going to put them in 18 19 that list, because that's going to be what someone 19 everyone is incompetent and they can't do it. She 20 sees 20 did not want them to do it themselves. We came up 21 21 with a whole list of things that weren't being done So what you do is you just kind of 22 22 ad-lib and you put, Hey, these are some of the right." 23 23 Did you tell Kloosterman that? things I want you to work on, and then we can talk 24 about the others. So you don't want to belittle A. I don't recall but just seeing this, it 24 Page 242 Page 244 1 them or degrade them inside this document that's 1 looks like I -- I said something to that effect. 2 2 Q. Okay. And does that have any relevancy to going to be in their file forever. So ... 3 Q. No, but you want to be honest about the 3 Jesse alleging that you sexually harassed her? 4 feedback that you are including in the performance 4 A. I really can't answer that. I wasn't --5 5 I'm not there -- I wasn't there -- I don't remember review, right? 6 6 A. That's correct. what Megan said or the contents. I know what the 7 Q. Okay. Because it's supposed to be an 7 question was, but this is what I sent her. 8 accurate reflection of their positive attributes and 8 Q. Okay. But just seeing that paragraph, does 9 9 their opportunities to improve? that have any relevancy to Jesse alleging that you 10 sexually harassed her? A. Agreed. 10 11 Q. Okay. And you don't actually say anywhere 11 A. No. 12 12 in the performance review for 2015 that we looked at Q. It's portraying Jesse in a negative light 13 that you have gotten any complaints from people 13 is what it's doing, right? MR. TUCKER: Objection to your 14 about Jesse's attitude, correct? 14 15 15 A. Correct. characterization. 16 MR. TUCKER: Can we turn to that? 16 You may answer. 17 17 MS. GURMANKIN: He answered. A. I'm just giving her the background of --Q. All right. Go back to Exhibit 19. 18 18 of -- how -- of what Jesse has been doing. Q. (BY MS. GURMANKIN) It's not a compliment 19 MR. TUCKER: If you need to look at --19 20 MS. GURMANKIN: He answered. He 20 about Jesse, right? 21 21 answered. A. That's correct. 22 Q. Okay. It's not positive feedback? 22 MR. TUCKER: Counsel -- if you need to 23 23 look at a document -- if she's referring to a A. That's correct. document, take your time to look at the document. Q. Negative feedback? 24 2.4

	Page 245		Page 247
1	A. It's it's feedback.	1	You may answer.
2	Q. It's negative, right?	2	A. No, it's not a compliment.
3	A. It's opportunities, that's correct.	3	Q. (BY MS. GURMANKIN) Okay. It's not
4	Q. Okay. And you were doing that because you	4	positive feedback?
5	wanted to try to portray Jesse in as negative a	5	A. That's correct.
6	light as possible so her allegations wouldn't be	6	Q. It's negative feedback?
7	believed?	7	A. It's not positive for sure.
8	A. No. I'm trying to say that when she says I	8	Q. It's negative feedback, right?
9	always put her down and whatever else that her	9	MR. TUCKER: Objection; asked and
10	allegations were, I'm just rebutting to that. So if	10	answered.
11	there's if if I'm if she's saying I'm	11	A. Yes, it's not it's not positive.
12	putting her down because I have got some questions	12	Q. (BY MS. GURMANKIN) Which means it's
13	about a visual board, I don't want her I'm not	13	negative, right?
14	putting her down. I'm just giving her coaching on	14	MR. TUCKER: Objection; asked and
15	that visual board. So I'm putting that in contents,	15	answered three times.
16	right? Because I don't want her to know that, you	16	Don't answer it.
17	know, I haven't done this. So I have a reason to	17	Q. (BY MS. GURMANKIN) It's the opposite of
18	talk to Jesse, but Jesse may see it in a different	18	positive, right?
19	light than what I'm actually bringing up.	19	THE WITNESS: You want me to answer?
20	Q. Next paragraph, "She gets so mad. She said	20	MR. TUCKER: You can stick to your
21	she was going to go to the field. She texted me	21	answer. Answer the question.
22	that she would be gone all day. I asked her if we	22	A. No, it is what it is. It's not it's not
23	could make it four hours, and she got very upset and	23	positive.
24	wouldn't talk to me for three, four days. The week	24	Q. (BY MS. GURMANKIN) Right. Are you trying
	•		, , , , ,
	Page 246		Page 248
1	Page 246 before that to ask if she could take April/Tonia out	1	Page 248 to portray Jesse in a negative light when you say
1 2		1 2	
	before that to ask if she could take April/Tonia out		to portray Jesse in a negative light when you say
2	before that to ask if she could take April/Tonia out to dinner on the Shell card. I said sure, keep it	2	to portray Jesse in a negative light when you say that
2	before that to ask if she could take April/Tonia out to dinner on the Shell card. I said sure, keep it reasonable if you want to get together. She gets	2 3	to portray Jesse in a negative light when you say that A. No.
2 3 4	before that to ask if she could take April/Tonia out to dinner on the Shell card. I said sure, keep it reasonable if you want to get together. She gets very mad at me when I say no as my supervisor." You mean she got mad at you when you said no as her supervisor, right?	2 3 4	to portray Jesse in a negative light when you say that A. No. MR. TUCKER: Objection; asked and
2 3 4 5	before that to ask if she could take April/Tonia out to dinner on the Shell card. I said sure, keep it reasonable if you want to get together. She gets very mad at me when I say no as my supervisor." You mean she got mad at you when you said no as her supervisor, right? A. I'm going to assume that's what Megan's	2 3 4 5	to portray Jesse in a negative light when you say that A. No. MR. TUCKER: Objection; asked and answered. A. (Continuing.) I'm I'm just giving the facts.
2 3 4 5 6	before that to ask if she could take April/Tonia out to dinner on the Shell card. I said sure, keep it reasonable if you want to get together. She gets very mad at me when I say no as my supervisor." You mean she got mad at you when you said no as her supervisor, right?	2 3 4 5 6	to portray Jesse in a negative light when you say that A. No. MR. TUCKER: Objection; asked and answered. A. (Continuing.) I'm I'm just giving the facts. Q. (BY MS. GURMANKIN) Does that paragraph
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2 3 4 5 6 7 8	before that to ask if she could take April/Tonia out to dinner on the Shell card. I said sure, keep it reasonable if you want to get together. She gets very mad at me when I say no as my supervisor." You mean she got mad at you when you said no as her supervisor, right? A. I'm going to assume that's what Megan's writing. Q. Did you say that to Kloosterman? A. Again, I don't know word for word, but	2 3 4 5 6 7 8	to portray Jesse in a negative light when you say that A. No. MR. TUCKER: Objection; asked and answered. A. (Continuing.) I'm I'm just giving the facts. Q. (BY MS. GURMANKIN) Does that paragraph
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	before that to ask if she could take April/Tonia out to dinner on the Shell card. I said sure, keep it reasonable if you want to get together. She gets very mad at me when I say no as my supervisor." You mean she got mad at you when you said no as her supervisor, right? A. I'm going to assume that's what Megan's writing. Q. Did you say that to Kloosterman? A. Again, I don't know word for word, but reading this, it looks like there was some content to that. Q. And again, that portrays Jesse in a negative light? A. It's just giving the facts. Q. It's not a compliment, right? MR. TUCKER: Objection; asked and answered. A. No. Q. (BY MS. GURMANKIN) Right? No, I haven't asked about this. It's not a compliment, is it, what you are saying here, according to Kloosterman?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	to portray Jesse in a negative light when you say that A. No. MR. TUCKER: Objection; asked and answered. A. (Continuing.) I'm I'm just giving the facts. Q. (BY MS. GURMANKIN) Does that paragraph have any relevancy to her alleging that you sexually harassed her? A. Again, I'm just stating the facts of some of the accusations that she gave me. Q. Again, I'm just asking, as that paragraph reads, does that have any relevancy to her allegations that you sexually harassed her? A. No. Q. Next paragraph, "I found out that she and someone else went out on a drilling rig. I didn't know that she did it, but why would you do that if you had other work for me to do." When did you find this out? Well, first of all, do you recall saying this to
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Page 249 Page 251 1 rig, but again, I don't recall the conversation with 1 "contents." 2 me and Megan. 2 MS. GURMANKIN: I heard "context." 3 3 Q. Okay. When did this happen? THE WITNESS: Thank you. That's what I 4 4 A. I don't even -- I don't remember that. have been meaning. 5 5 Q. Okay. As you sit here today, you have no MR. TUCKER: Two of the four of us. 6 recollection of that happening? 6 THE WITNESS: Okay. 7 A. I have a recollection but I can't remember 7 Q. (BY MS. GURMANKIN) All right. The 8 the day or when -- when it happened. 8 paragraph about the drilling rig, as you read that, 9 9 does that have any relevancy to Jesse alleging that Q. How about the year? 10 A. I -- I -- I couldn't tell you. 10 you sexually harassed her? 11 Q. Was it before Jesse was full-time? 11 A. Not that I can see, no. 12 12 A. It was after when she was full-time. Q. All right. "No other performance-related 13 Q. Do you recall if it was 2016? 13 concerns before the board, just her attitude. So I 14 A. I don't remember. I would almost -- yeah, 14 was trying to be accommodating and work with her, it would almost have to be because this was in '16. 15 15 i.e., not attending meetings." 16 Q. Okay. Who was the someone else she went 16 Do you recall saying that to out with? 17 Kloosterman? 17 18 A. Again, I don't know. 18 A. Again, not word for word but --19 19 Q. Did you address it at the time? Q. The gist? 20 A. No, because it was already past -- past 20 A. -- reading it, yeah. 21 gone when I found out. Q. The "no other performance-related concerns 21 Q. Okay. So were you concerned about it when 22 before the board," what does that mean? 22 23 23 vou found out? A. So if I asked her to do some kind of like 24 24 A. Not too concerned. an administrative task -- and I say administrative, Page 250 Page 252 1 Q. Okay. I mean, not concerned enough to 1 not in the context that she wasn't an analyst --2 address it with her, right? 2 excuse me -- pull in KPI certain -- certain reports, 3 A. Correct. 3 she could do that really well. But when it comes to 4 Q. Or raise it to anyone at Shell? 4 the board, that's where you had to think outside the 5 5 box and come up with some different ideas. A. Correct. 6 Q. Why did you mention it to Kloosterman? 6 Even though I didn't know every time 7 A. Again, relevance to what Jesse was -- was 7 what I wanted, I knew we had to come up to 8 8 something. And I know that makes -- that's hard to saying, and I'm just giving some contents to her. 9 9 MR. TUCKER: When you say "contents," say. So I'm wanting to see something; I just don't 10 10 do you mean context? know what. That was hard for her to try to envision 11 THE WITNESS: That's -- am I saying --11 and -- and make possible. That's why she went to my braces kind of -- context. I apologize if I'm 12 Rory on a few things or she went to someone else, 12 13 13 saying contents. Context. trying to get that captured on the board. 14 14 MR. TUCKER: Stop for a second. I want Q. Okay. So are you saying there were no 15 15 to talk to the Court Reporter. performance-related concerns about Jesse before the visual board issue came up? 16 Have you been hearing him say 16 17 17 A. Right. So performance and attitude is two "contents" or "context"? 18 THE REPORTER: Contents. 18 different things when it comes, but yes. 19 19 Q. Okay. And when did the visual board come MR. TUCKER: Yeah, that's what I've 20 20 up? When did that issue start? been hearing, contents, too. THE WITNESS: Context. I apologize. 21 A. I can't remember the date. 21 22 It's hard sometimes to say certain words with these 22 Q. The year? A. It had to be in 2016. 23 23 braces. MR. TUCKER: The three of us heard 24 Q. Okay. Do you recall which part, early, 24

1 mid? 2 A. No, I don't. And I don't want to guess. 3 D. A few paragraphs down you say, according Kloosterman, 'I fought to get her hired.' meaning Jasse? 5 Jesse. 6 Do you recall saying that to Said, if it was wrong, I appologize for it. 7 Kloosterman? 8 A. Again, I do not recall saying that. 9 D. Is that true? 10 A. It is true. 11 A. It is true. 12 She was a contractor? 13 A. Correct. 14 D. Next paragraph. JG7 issue. What is that? 15 Do you know? 16 A. What is what? 17 Q. The JG7 reference. 18 A. Let me read the — what it says here. 19 So this was in reference to the money issue that was brought up earlier during the deposition where I made the reference where she was at, you know, wanting more — you know, more money. 23 So the JG7 is a pay grade up for her. 24 Q. And you are telling — according to 25 knows as in reduced. 26 Do you recall saying that to Jesse. So, yeah, not word for word. And again, it was brought up earlier during the woman. My intent was good but It was Trying to make her feel good about it. I won't lie to you." 26 Do you recall saying that to Jesse. So, yeah, not word for word. And again, it was brony was to Megan, not to Jesse. So, yeah, not word for word. And again, it year, I won't was the saked you? 27 A. Not word for word. And again, it so, why would you say "I'm sorry' to Megan? 28 A. Not word for word. And again, it so, was — the sorry was to Megan, not to Jesse. So, yeah, not word for word but she's written something down here that we discussed it. Q. Why? 15 A. Choice of words, using my wife versus someone else. 16 Q. Why would you say "I'm sorry' to Megan? 17 A. This st being apologetic for saying that. 18 that? 19 A. A gain, just apologetic for saying it. that that you apologizing to Megan? 20 Q. No, know. But why Megan? 21 A. Can you I relationship beat this you apologized for saying it. that that you apologized for saying it. I will have relationship beat this you apologized for saying it. I will have relationship beat this you apologized for saying it. I will have a consti		Page 253		Page 255
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	22 23	answered. Q. (BY MS. GURMANKIN) You didn't say it to	22 23	Q. Bottom of page 2.

Page 257 Page 259 1 1 hit the wrong button. I apologize. in that effect. 2 Can you read that question again? 2 Q. (BY MS. GURMANKIN) Okay. And that was the 3 3 Q. Yes. No. 3 at the bottom. You see where I first time that your relationship started to change? 4 am? 4 MR. TUCKER: Objection. 5 5 A. Yes, ma'am. Q. (BY MS. GURMANKIN) Or did it start to 6 Q. "Overall, describe your working 6 change before? 7 relationship with Jesse. How has the relationship 7 A. It -- it changed after that. 8 been this year?" 8 Q. Okay. Immediately after that? 9 9 You see that? A. Yes. 10 A. Yes. 10 Q. As a result of that meeting? Q. First bullet, "Recently not very good." 11 A. Yes. 11 Q. Your relationship was the same from the 12 Did you tell Kloosterman that? 12 13 A. According to this, looks like I said 13 time she was a contractor up through that meeting? 14 something to that effect. 14 A. I believe so, yes. 15 15 Q. Okay. And you are not disputing anything Q. Third bullet point, "Told an individual 16 that Kloosterman writes in here? 16 that hugged her that she doesn't like to be hugged. 17 I was looking out for her, and she was upset that I 17 A. I'm not what? did that." 18 Q. Disputing anything that she writes here? 18 19 19 A. So I don't know -- again, I don't know if Did you tell Kloosterman that? 20 this was taken word for word. I think she was just 20 A. It looks like I mentioned that, yes. 21 ad-libbing some of the stuff that I said. But we'd 21 Q. Do you know what that's about? 22 A. I do. 22 have to ask Megan because I really don't know. To 23 Q. What? 23 me this is a summary of kind of what happened. 24 24 So... A. So she -- someone came in from Canada, a Page 260 Page 258 1 Q. By "ad-libbing," you mean paraphrasing? 1 maintenance expert, if you will, SME, subject matter 2 2 expert, Dalton Marshal. And I was in another A. Yes, ma'am. 3 Q. In any case, was your working relationship 3 meeting. He came in and I don't know if he was 4 with Jesse recently not very good? 4 there for us or not. And then apparently he gave 5 5 A. According to this, correct. Jesse a hug. 6 Q. Well, no, I'm asking. 6 And then when I got out of my 7 A. Yes. 7 meeting -- I don't recall who came up to me, if it Q. Okay. And that started at the time that 8 was one or two people, could have been Dan Krise or 8 9 9 you have that one-on-one meeting with her on Ken Foreman or Jeremy Greene. I don't know who 10 10 November 21, 2016? did -- but someone came up and said, "Hey, I just 11 A. I can't be for sure of the date, but I know 11 want to let you know, Dalton hugged Jesse." 12 12 it had to do with the A3 board, whenever that was And I said, "Oh, boy. Okay." 13 13 And they said, "She's pissed." 14 And I said, "Okay." So I went, found Q. Well, that meeting that you had with her 14 15 15 after she blows up at Jeremy Greene was November 21, Dalton. And I said, "Listen, between you and I, Jesse don't like to be touched or hugged or anything 16 16 2016 17 like that." 17 Was that the first time that you 18 18 And he's like, "Oh, my God. I didn't had -- you and Jesse had issues? know." 19 19 MR. TUCKER: Issues as related to the 20 And I said, "It's fine. She didn't say 20 board that you were talking about or issues at all? 21 nothing to me. I'm just letting you know. But 21 MS. GURMANKIN: Yeah. 22 don't go to her that I told you. Just let it go. 22 A. Yeah, so not issues at all. I mean, she's 23 But for future reference, she doesn't want to be 23 been mad at me several times before, but this is the 24 touched." 24 first time I called her in for a one-on-one coaching

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Q. How come?

Page 261 Page 263 A. I just -- I didn't think about it, I guess, 1 And so that's what I did. And then he 1 2 went and told Jesse that I said that, and then she 2 at the time. 3 3 got mad at me for saying that. Q. You thought it was okay? 4 MR. TUCKER: Thought what was okay? 4 Q. When either Krise or Jeremy or Ken, whoever 5 5 told you that he hugged Jesse, your reaction was THE WITNESS: Yeah. 6 6 "Oh, boy," why was that your reaction? Q. (BY MS. GURMANKIN) Hugging female 7 A. Because I know Jesse didn't like to be 7 employees. 8 8 touched. A. If -- I would assume yes. 9 9 Q. Next bullet -- I'm sorry; two bullet points Q. And how did you know that? 10 A. She's mentioned that before. 10 down, "They mess around a lot and joke around and Q. To you or to other people who told you? 11 then she gets mad at me for not intervening." 11 12 12 A. To me and other people. Did you say that to Kloosterman? 13 Q. Okay. When has she said that to you? 13 A. I don't recall if I said that or not. I 14 A. I don't recall when. 14 don't -- I don't even know what that means. 15 15 Q. What was the context? Q. You don't -- you have no idea what that 16 A. I can't remember what the context was, to 16 refers to? 17 be honest with you. I just -- we just know she 17 A. I mean, it's about joking, but I don't know 18 doesn't like to be touched or hugged. 18 what -- you know, what there was something else to 19 19 be said. She might have asked me a question, but it Q. Is it because she was touched or hugged at 20 work? 20 just means she gets mad -- or gets mad at me for not 21 intervening. Unless it's with somebody -- I don't 21 A. She didn't say that. 22 22 Q. Did she say why she was saying this? know 23 Q. Under No. 3, "Overall, describe your 23 A. No, she didn't. If she did, I don't recall working" --24 that. 24 Page 262 Page 264 1 Q. So as far as you can recall, she just came 1 MR. TUCKER: Hold on. Were you 2 up to you and others one day and said she doesn't 2 finished --3 like to be touched or hugged? 3 Can you read back his answer? 4 MR. TUCKER: Objection. It 4 Because you gave an answer, and then 5 5 you said "I don't know." mischaracterizes his testimony. Read back the question and answer, 6 Please answer. 6 7 A. Yeah, I don't know how the contents --7 please. context was, but it was not that. I don't know. 8 (The requested portion was read.) 8 9 9 Q. (BY MS. GURMANKIN) And can you think of MR. TUCKER: Stop for a second. 10 10 any other way that that makes sense other than she Did you hear your response to that 11 was reacting to being touched or hugged by people at 11 question? 12 THE WITNESS: Yeah, that sounded 12 work? 13 13 MR. TUCKER: Objection; calls for horrible. 14 MR. TUCKER: You start off by saying speculation. 14 15 15 You may answer. you don't know, then you give some stuff. I need you to -- I need you to listen to her question, A. I can't think of anything. 16 16 17 repeat it if necessary and answer her question, 17 Q. (BY MS. GURMANKIN) Was Dalton an employee of Shell at the time? 18 please. 18 19 19 A. He was. And, Counsel, if you want to reask that 20 question, please do because it made no -- his answer Q. Did you tell him that he shouldn't in 20 21 21 general go around hugging female employees of the made no sense. 22 Q. (BY MS. GURMANKIN) Did the guys on your 22 company? team mess around a lot? 23 23 A. I did not.

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A. They joke a lot, yes.

Page 265 Page 267 Q. Do they make jokes that are inappropriate? 1 1 Did you do that? 2 A. Not that I heard. 2 A. No. 3 3 Q. Okay. What do they joke about? Q. What was your relationship with Robin 4 4 MR. TUCKER: You are talking about in Grouette? 5 5 the context of 2016, Counsel, or are you talking A. She was my operations manager. 6 about right now in 2020? 6 Q. Did you have any relationship with her 7 Q. (BY MS. GURMANKIN) Your group when you 7 other than a working relationship? 8 were maintenance supervisor in Appalachia. 8 A. No. 9 9 A. All kinds of stuff. Q. Did you flirt with her? 10 Q. What? 10 A. No. 11 A. Golf, football, just all kinds of stuff. I 11 Q. If somebody said that they thought that you 12 may have had an inappropriate relationship with don't know any particulars. 12 13 Q. Women? 13 Robin Grouette, then would they be lying? 14 A. I have never heard them joke about women. 14 A. Yes. 15 15 Q. Have you heard them joke about anything Q. Okay. And according to Kloosterman's notes 16 other than golf or football? 16 under that second bullet point, you said, "Jesse 17 A. I'm sure I have, but I can't recall that. 17 said she hoped she ran into Robin's husband in 18 Q. All you can recall today is golf and 18 Canada because she'd hit on him." 19 19 football? Do you remember saying that to 20 A. Sure. Yes. 20 Kloosterman? Q. And would Jesse get mad at you for not 21 A. I don't recall saying it, but I -- I do 21 22 22 intervening? remember Jesse saying that. 23 Q. Okay. When did Jesse say that? 23 A. It says that she gets mad at me for not 24 24 intervening. A. I don't recall when. Page 266 Page 268 1 Q. Would she? 1 Q. Do you recall the year? 2 A. I don't know. I -- I can't -- I can't 2 A. I do not recall the year. 3 3 Q. But she was full-time? 4 Q. Page 3. No. 4 at the top, "Are you aware 4 A. I don't recall that, as well. 5 5 of any concerns she has with your working Q. Did you say anything when she said that? 6 relationship? Has he made you -- has she made you 6 A. No, I just basically said, "Jesse, that's 7 aware of any concerns that she has?" 7 wrong." And she just laughed. And then -- because 8 8 again, that's the kind of -- that was the The only -- and I just want to make 9 9 sure of this. The first time that you learned of relationship I perceived us having is that 10 10 any concerns that Jesse had from anyone at Shell was back-and-forth banter. 11 in that November 21, 2016, meeting with Jesse? 11 Q. Had you told anyone at Shell about that 12 12 comment before your talk with Kloosterman? A. Yes. 13 MR. TUCKER: Objection. 13 A. I don't think so. Q. (BY MS. GURMANKIN) Correct? 14 Q. Next one, "Jesse hates Robin Grouette." 14 15 Why are you telling -- well, strike 15 A. Yes. Q. Okay. All right. So under the 16 that. 16 17 Do you remember telling Kloosterman 17 "Supervisor" header on page 3. 18 that? 18 A. Okay. A. I don't remember telling her that, no. 19 Q. We talked about the first one. Second one, 19 20 Q. Okay. Would there been any reason for you "I have been brought into situations with an 20 21 21 employee that were not necessary because my to tell her that? 22 A. There had to be some kind of reason, but I supervisor thought it was funny that the other 22 23 don't know why. 23 employee and myself did not like each other (Robin Q. Why would you tell her about Jesse's 24 24 G.)"

Page 269

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- 1 comment about Robin's husband?
- A. Because I just wanted to make sure she understood the relationship between Jesse and I.
 - Q. How does that, according to what she wrote here, suggest anything about your relationship?
- A. That to me it suggests that she has an open -- an open relationship with me. She tells me
- open -- an open relationship with me. She tells
 things like this.
 - Q. Did Robin Grouette ever ask you to bring Jesse to a meeting?
 - A. I -- I don't remember if she did or has or has not.
 - Q. Would you joke and say to Jesse, "Hey, your favorite person is here" when Robin was around?
- 15 A. I don't recall that at all.
 - Q. All right. Next bullet point, "I was told in my mid-year review that I make good money for a woman and should not be upset with my pay grade by my supervisor." And according to Kloosterman's notes, you said, "It was when we first hired her and when she got her salary. But I did say that, yes."

You did admit that to Kloosterman,

23 right?

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24 A. Yes.

today, but that's the guys who are kind of gruff.

- 2 They are -- you know, you ask them to go do
- something, it's 50/50 if they do it or they, you
 - know, do something. And that's what it's about.
- 5 They are just -- they are just rough around the edges.
- 7 Q. Okay. Next bullet point,
 - "Superintendent" -- and who was that at this time?
- 9 A. Would be Steve Craig. Well, let's -- let 10 me -- let's read the bullet before I say that.
 - Q. Sure. Go ahead and read it.
- A. Yeah. So I retract when I said Steve
- 13 Craig, because I don't know who this is. This is a
- 14 statement from Jesse. So I don't know in
- what -- when this would have happened. So I don'tknow who this was.
 - Q. Okay. And do you remember discussing that with Kloosterman?
 - A. I do not.
- Q. At least, according to her notes, you are not disputing that, right?
- A. That's correct. Well -- okay. No, I -- well, you see here "I was taken aside by my
 - supervisor," but then my response was "I don't do

Page 270

- Q. Did you tell Kloosterman that you said it in the context of your wife is a nurse and Jesse makes more than her?
 - A. I'm thinking I did, yes.
 - Q. Two bullet points down, "I was told I work well with male employees because I am a woman by my supervisor (project with lead mechanics PMPs)."

 According to Kloosterman, your response was, "I said that. I said we saved this money. Let's put it on the board. Let's keep going. I said that's good it's because you are a girl. Tim Brueilly and Luke are who she said she works with -- well with, and you gotta know them to understand. You need to know

Do you remember saying that to

16 Kloosterman?

Tim."

- A. I remember us talking about it but not verbatim.
- 19 Q. Is that Luke Strikeweather [phonetic]?
- 20 A. It is.
- Q. The reference to "You gotta know them to understand. You need to know Tim," do you know what
- understand. You need to know Tim," do you know what that's about?
- A. So I believe we talked about this earlier

Page 272

- that." But if she wrote that down there, that's
- 2 what was talked about.
- Q. And you are saying "I don't remember what we were speaking about," according to her notes?
 - A. Verbatim, that's correct.
 - Q. Next one, "I was told I am a hot blond by my supervisor (Supermarket story 'saw a hot blonde at supermarket')."

According to her notes, you confirmed the supermarket story and also said, "At last year's Christmas party, she was showing me the picture of me and her boyfriend at the Christmas party and referenced two handsome gentlemen."

Do you remember telling Kloosterman that?

A. I don't recall specifically, but...

MR. TUCKER: But what?

A. But no. I -- I must have said something to that general effect.

Q. (BY MS. GURMANKIN) Next one, "I am continuously asked about my personal life by my supervisor, (example, do you drink wine when you get home?)"

Did you ever ask Jesse that?

	Page 273		Page 275
1	A. Yes.	1	"She told us she would get swamp ass walking around
2	Q. Why?	2	in those pants."
3	A. Because she brought up how she likes to	3	Do you recall telling that to
4	drink when she gets home at different times. So I	4	Kloosterman?
5	would bring that up to her.	5	A. I don't.
6	Q. Did you bring it up to her in any other way	6	Q. Okay. But you said Jesse said that to you?
7	than asking does she drink wine when she gets home?	7	A. Correct.
8	A. Not that I recall.	8	Q. Next bullet point, "It doesn't sound like
9	Q. Under that, according to Kloosterman, you	9	something out of the ordinary to cut her pants."
10	say, "I do talk with her. We will all sit in a	10	Do you recall saying that?
11	group. She talked about buying a house. Asked her	11	A. That's what I was talking about before I
12	about buying a house. She confided in my one time	12	when I said I didn't think that it sounded like
13	that she had to go to the doctor. I asked if she	13	something I'd say so but I don't recall telling
14	was okay, and she shared with me."	14	Megan that.
15	Do you remember saying that to	15	Q. Do you recall what you told her about the
16	Kloosterman?	16	picture?
17	A. No.	17	A. No, I do not.
18	Q. Do you remember telling Kloosterman that	18	Q. In the last bullet point I'm sorry; the
19	Jesse had talked about car issues, house fires, her	19	second-to-last bullet point under this one,
20	boyfriend and partying and getting drunk?	20	according to her, you said, "I don't know who took
21	A. That was my words, yes.	21	the picture."
22	Q. Did you tell Kloosterman that?	22	You see that?
23	A. I don't recall.	23	MR. TUCKER: Where? Hold on. I don't
24	Q. Because that's everything that Jesse talked	24	see it, either. Counsel, give me one second. I'm
	Q. Decades that a everything that besse tailted		ose it, citator. Courtout, give the one second. Thi
	Page 274		Page 276
1	about to you about regarding personal issues.	1	trying to find it.
2	That's what you testified to earlier, right?	2	MS. GURMANKIN: Third bullet point.
3	A. I wouldn't say everything, but that's some	3	MR. TUCKER: Third bullet point.
4	of the things we talked about, yes.	4	MS. GURMANKIN: Under the second, "At a
5	Q. That's all you can think of	5	work charity golf tournament."
6	A. Yes.	6	THE WITNESS: Okay.
7	Q as you sit here today?	7	MR. TUCKER: Go ahead. I'll catch up.
8	All right. Page 4. First bullet	8	Q. (BY MS. GURMANKIN) Okay. You see that,
9	point, "My supervisor has referred to my significant	9	Mr. Turney?
10	other as a nerd." According to Kloosterman, you	10	A. Yes.
11	say, "Probably so. One day I saw her passing and I	11	Q. That would indicate that you knew that
12	asked who that goofball was that was driving her	12	there was a picture taken. You agree with that, the
13	car. I am always asking about how he's doing. My	13	way it's written?
14	wife is an RN."	14	MR. TUCKER: Objection.
15	Do you remember telling Kloosterman	15	A. No, I don't agree with that.
16	your wife was a nurse?	16	Q. (BY MS. GURMANKIN) Okay. Well, according
17	A. No, I don't I don't recall that.	17	to Kloosterman's notes, you are referencing a
	O NI (11A) 1 1 1 16	18	picture, right?
18	Q. Next one, "At a work charity golf		
18 19	tournament I was asked more than once why I was not	19	MR. TUCKER: Objection.
	,	20	A. It says, "I don't know who took the
19	tournament I was asked more than once why I was not	20 21	A. It says, "I don't know who took the picture." But I again, she's telling me that
19 20	tournament I was asked more than once why I was not wearing shorts at this event and if my supervisor could cut my pants into shorts, as well as other supervisors joined in and took a picture of my	20 21 22	A. It says, "I don't know who took the picture." But I again, she's telling me that Jesse said that there was a picture taken,
19 20 21	tournament I was asked more than once why I was not wearing shorts at this event and if my supervisor could cut my pants into shorts, as well as other	20 21	A. It says, "I don't know who took the picture." But I again, she's telling me that

Page 277 Page 279 A. Probably blue juice. I probably had a 1 according to Kloosterman's notes, that never 1 2 happened, right? 2 glass of that blue juice -- they call it "blue 3 juice" something that I think Jesse had made up. 3 MR. TUCKER: Objection. 4 Q. What's that have in it? 4 A. Again, going by the notes, it just says, "I 5 5 don't know who took a picture." If someone took a A. You know, honestly, I don't know. I just 6 6 picture, I don't know who -- who it was. know it's blue. 7 Q. (BY MS. GURMANKIN) Well, it doesn't say, 7 Q. And it's alcoholic? 8 8 "If someone took a picture, I don't know who it A. There is alcohol, yes, sorry. 9 9 Q. How many glasses of that did you have? was," right? 10 MR. TUCKER: Objection. 10 A. Probably just a half a glass. 11 A. Again, this is a summary of what Megan 11 Q. Anything else? 12 12 wrote. We'd have to ask Megan. A. No. 13 Q. (BY MS. GURMANKIN) I'm asking you. 13 Q. You drink at any other work events? 14 MR. TUCKER: What are you asking him? 14 A. On occasion if we go out to dinner, I might 15 15 MS. GURMANKIN: The question I just have a beer. But I'm not a big drinker. 16 16 Q. Next bullet point, "I was informed to asked, which is, it doesn't say, "If someone took the picture, I don't know who took it." Right? It 17 'bullshit' my superintendent on what my position 17 18 doesn't say that? 18 competency by my supervisor." 19 19 Did you ever tell Jesse something to MR. TUCKER: Objection. 20 A. It says, "I don't know who took the 20 that effect? A. I have no idea even what that means, and 21 picture." 21 22 22 Q. (BY MS. GURMANKIN) Uh-huh. no. I have not. 23 Q. Last bullet point under that, it says, 23 A. So that's what I'm telling her. "Steve was questioning her performance because he 24 Q. It doesn't say, "If someone took a picture, 24 Page 280 Page 278 1 I don't know who took it," right? 1 would ask her to do something and she wouldn't 2 A. That's correct, it does not say that. 2 understand." 3 Q. All right. And then do you recall telling 3 Did Steve ever talk to you about that 4 Kloosterman about a friend that Jesse brought with 4 issue regarding Jesse? 5 5 her? A. I don't remember specifically. I know 6 A. No. I don't remember that conversation. 6 Steve brought up concerns with her, but this 7 Q. Okay. Do you remember that Jesse brought a 7 particular thing, I can't say I remember or recall. 8 friend with her? 8 Q. Steve brought up performance concerns with 9 9 A. I do. her? 10 Q. What do you remember about the friend? 10 A. Yes, to me. 11 A. I remember the friend getting extremely 11 Q. To you? 12 12 drunk, hanging all over everybody. And if memory A. Yes. 13 serves me, to the best of my knowledge, I believe 13 Q. Okay. Prior to that November 21, 2016, 14 they took her home earlier because she was so 14 meeting? 15 A. I'm going to probably say -- I don't know. intoxicated. 15 16 Q. Did you ever get drunk at a work event? 16 I don't remember dates. Q. You don't recall if it was before or after? 17 17 A. No. 18 Q. Did you ever drink at a work event? 18 A. That's correct. 19 19 Q. Next bullet point, "My supervisor touches 20 Q. At this charity golf event, were you my arm and/or leg the majority of the time I have a 20 meeting or talk to him one on one." 21 drinking? 21 22 Do you recall talking about this to 22 A. I believe I was, yes. Q. Do you know -- do you remember what you 23 23 Kloosterman? were drinking? 24 24 A. I do, actually.

Page 281 Page 283 Q. Okay. Do you recall saying, "I never touch Because if I'm saying I don't think I have ever 1 1 2 her leg, but I do this to everybody. I tap people's 2 touched her, then I don't know why I would say she 3 3 arms"? never asked me to stop. 4 Q. (BY MS. GURMANKIN) Right. That doesn't 4 A. So I don't remember that specific comment, 5 5 but I do know I talk with my hands. So, you know, make sense, does it? 6 6 A. It doesn't make sense. 7 Q. Did you tell Kloosterman that you talk with 7 Q. Next one, "I was told I am only right if my 8 8 your hands? supervisor allows me to be my supervisor." 9 9 Did you ever tell Jesse that? A. I may have. 10 Q. Do you recall? 10 A. No. And I have no idea what that even 11 A. I don't recall. 11 means. I mean, I get the gist of it, but I have 12 12 Q. Next bullet, "I have never touched her leg, never said that. 13 unless I am scooting in to talk to her." 13 Q. The next one, "I have addressed my 14 Did you touch her leg when you were 14 supervisor about an issue I was having with a 15 15 coworker and was told that is the way it was going scooting in to talk to her? 16 16 to be. (Ken Foreman completing some of her work.)" A. Again, I think I was referencing if she said I touched her leg, I may have if I was scooting 17 Is that -- do you remember talking 17 18 in, but I don't know for a fact. 18 about that with Kloosterman? 19 19 A. I do not remember talking about that to Q. But as far as you know, you never touched 20 20 Q. Is the only issue that Jesse had -- that 21 A. As far as I know, I have never touched her 21 22 22 leg. she talked to you about in connection with Foreman Q. Or her arm? 23 that incident where she had to leave early because 23 A. Or her arm. 24 24 she was upset about his comment? Page 282 Page 284 1 Q. Or any body part, right? 1 A. So, no. She had -- she had several issues A. Correct. 2 2 with Ken Foreman but never -- always about 3 Q. Last bullet point, "She has never asked me 3 work-related issues. 4 to stop." 4 Q. What else were her issues about Foreman? 5 5 Do you see that? A. Just, again, like it says in parentheses 6 A. Yes. 6 there, Ken Foreman completing some work. She didn't 7 Q. Did you say that to Kloosterman? 7 want -- because Ken used to be in the role that she 8 8 A. I don't know if I said that or not. was in. And so he knew a lot of what she knew as 9 Q. In light of you saying that you never 9 far as maintenance analyst. And so he would try to 10 touched Jesse, would that make sense for you to tell 10 come in and help her do certain tasks, certain 11 Kloosterman that "She's never asked me to stop"? 11 things if she needed -- if he thought she needed to 12 12 A. Again, I don't know if I -- yeah, I'm not get caught up. going to say what Megan was thinking when she wrote 13 13 Q. Did you think that she hated Ken? 14 MR. TUCKER: What word did you say? 14 that because I don't know. 15 Q. No, I'm asking you. Does it make sense 15 MS. GURMANKIN: Hated. that you would have told Kloosterman that Jesse A. Yeah. 16 16 17 never asked you to stop if you are saying, I never 17 THE REPORTER: Could you ask the 18 touched Jesse at all? 18 question again? 19 MR. TUCKER: Objection; as makes sense 19 MS. GURMANKIN: Sure. Q. (BY MS. GURMANKIN) Did you think that she 20 to? 20 21 MS. GURMANKIN: Him. 21 hated Ken? 22 MR. TUCKER: Objection. 22 A. I don't know. 23 A. If that's what I'm saying, I don't know 23 Q. Did you think that she hated Dan Krise? 24 what the question was, why she would wrote that. 24 A. Again, I don't know what she -- if she

Page 285 Page 287 1 A. No. hated someone or not. 1 2 Q. Do you remember telling Kloosterman that 2 Q. Did Jesse say to you, Don't send Jill over 3 3 here, or something to that effect? she hated Foreman or Krise? 4 A. She did. 4 A. No, I don't recall saying that. 5 Q. Is that Jill Brueilly? 5 Q. Page 5, first bullet point from the top. 6 A. Did you say "third"? 6 A. It is. 7 Q. I'm sorry; the second one. "My supervisor 7 Q. Did she say why? 8 said he thinks it's funny when I get into a 8 A. Because she just doesn't want anyone to try 9 9 disagreement with other women coworkers. (Example, to do her work. I think she was fearful for someone 10 Tonia P in Pittsburgh -- pointing out an issue)." 10 trying to take her role. I really don't know. But 11 We talked about that earlier. You did 11 she just does not like someone else trying to manage not ever say that you thought it was funny when she 12 12 her work. 13 got into a disagreement with female coworkers, 13 Q. Next bullet point, "Supervisor gestures cat 14 correct? 14 claws and makes a hissing noise." And you said, 15 15 A. That's correct. according to Kloosterman, "I have done that. I'm Q. And you did not think it was funny when she 16 sorry, Megan. I do that to everyone. You don't 16 17 did that, right? 17 single anyone out." 18 A. No, I do not think it's funny. 18 Did you say that to Kloosterman? 19 Q. In the last bullet point under that you 19 A. It says I did here. Within the same 20 said, according to Kloosterman, "Example: Tonia is 20 context, yes. 21 very aggressive. She will send a note that Jesse Q. Why did you apologize to Kloosterman? 21 can't do her job. Tonia said she sent you the 22 22 A. Again, I don't know. 23 procedure and she is asking you if you know how to 23 Q. You understand that this is part of Jesse's 24 do. I told her to get with Tonia to figure it out." allegations against you, right? 24 Page 286 Page 288 1 Did Tanya send you a note saying that 1 A. Correct. 2 Jesse can't do her job? 2 Q. Did you apologize to Jesse? 3 A. I don't recall that. I'm reading a note 3 A. Again, I already answered that, but I did 4 here, but I don't recall that. 4 5 5 MR. TUCKER: Recall? Q. Did you apologize to Jesse regarding any of 6 your conduct at any time? 6 THE WITNESS: The note. 7 MR. TUCKER: That's 7 A. No. 8 referenced -- I'm -- I'm confused, Counsel. Are you 8 Q. Next bullet point, "I expressed a concern 9 to my supervisor, a CPR trainer that instructed at asking does he recall saying this --9 our office, that when I was performing CPR, the 10 MS. GURMANKIN: No. 10 11 MR. TUCKER: -- during the 11 instructor told me to 'pick my ass up' in front of 12 12 investigation? male colleagues. My supervisor said, 'Well, did you 13 MS. GURMANKIN: I said did Tonia send 13 pick it up?' in a laughing manner." Did that happen? 14 the note saying Jesse can't do her job, and he said 14 A. I don't know. 15 15 THE WITNESS: I said, "I don't recall." 16 16 Q. You don't recall? 17 MR. TUCKER: "Recall" is what he said. 17 A. I don't recall. I was -- I know I was in a 18 Q. (BY MS. GURMANKIN) You don't recall? 18 class with her, but I don't recall any of the -- any of that. 19 A. I don't recall her sending that note. 19 Q. You don't recall receiving a note saying 20 Q. Next bullet point, "In my goals on HR 20 that Jesse can't do her job? 21 online I entered I would attempt to visit the field 21 22 every quarter, for I am office based and want to 22 A. That's correct. 23 23 Q. Do you recall Tonia ever complaining about gain knowledge of the field. When I asked permission to spend the day in the field with a 24 Jesse? 24

- female colleague, I was told by my supervisor I was only allowed to go for four hours. When I asked why
- and/or if he needed me for something that prevented
- me from spending an eight-hour day in the field, he responded with, 'No. I just don't think you need to
- spend the whole day in the field (April Heater visit)."
- 8 Did that happen?
- 9 A. Yes.
- Q. Why did you tell her that she couldn't spend the whole day in the field?
- A. Because I didn't want her to spend all day in the field.
- 14 Q. Why not?
- A. Because her job was a maintenance analysts, not a field hand.
- Q. And one day would make a difference?
- A. Could be. It depended on the workload.
- Not there now, but there obviously was a reason for that.
- Q. Are you sure about that?
- A. Pretty sure, yes.
- Q. Do you recall what that reason was?
- A. I do not recall.

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Page 291

- Q. How come you didn't -- well, strike that.
- Did you tell Kloosterman what you
- 3 testified to earlier, that you said it in the
 - context of talking to your group one time, that you
- 5 were thinking about that particular work issue in
 - the shower?

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- A. I did tell her that.
- 8 Q. That's not reflected in her notes, right?
 - A. Let me read it.
- 10 Q. Sure.
- 11 A. It doesn't look like it.
- 12 Q. Last bullet point on that page, "My
- supervisor mocks me when I have informed people I do
- 14 not like to be touched."
 - Is that true?
 - A. That's not true.
- Q. What did you say when she said she didn't
- 18 like to be touched?
- 19 A. I don't recall what I said.
- Q. Is it possible you mocked her?
 - A. No. Absolutely not.
- Q. But you have no idea what you said?
 - A. I don't know what I said, but I wouldn't
- have mocked her.

Page 290

- Q. Next one, "I have been asked by my supervisor multiple times if I thought about him over the weekend."
- You say, according Kloosterman, "I do say this to a lot of people. 'I asked people Did you miss me?' I could have said, 'Did you miss me this weekend' because I don't do that."
- Do you recall discussing that with Kloosterman?
- A. No.
- Q. Next one, "My supervisor has told me that he has thought about me while showering."
- You recall discussing this with
- 14 Kloosterman?
 - A. I do.
 - Q. You said, according to her, "I have said this in front of everyone. I think about work all the time. It was business related. When I was in the shower I thought about, 'Oh.' I think about stuff all the time in the shower. It wasn't in that context."
- Do you recall saying that?
- A. I don't remember verbatim what -- what I said, but I was talking about that, yes.

Page 292

Q. Next page, page 6, "My supervisor has

- 2 mocked me when I told him I do not come to work to 3 hear that I am pretty when a coworker referred
- hear that I am pretty when a coworker referred to" -- looks like should be "me as pretty. My
- supervisor kept saying it when I addressed him. 'I don't come to work to hear I am pretty.' he would
- don't come to work to hear I am pretty,' he wouldsay to me.
 - And you testified earlier you did not say something like that to Wayne Fletcher, right?
 - A. That's correct.
- Q. There was -- according to Kloosterman's notes, you told her about a time when Wayne Fletcher came in and asked Jesse to do something?
 - A. I don't recall that.
- Q. You see it says that in the first bullet point?
- 17 A. Yeah, "Fletch came in and asked her to do 18 something." I don't even know what that means.
- 19 Again, she's -- she's just writing stuff down, but
- 20 I -- I don't know what it's meaning.
- Q. Two bullet points down from that, "I have been referred to as a 'window licker,' which I believe was to insult my intelligence."
- You ever hear anyone call Jesse that?

	Page 293		Page 295
1	A. No.	1	A. No.
2	Q. Do you recall telling Kloosterman no, that	2	Q. How about Matt Skolny?
3	didn't happen?	3	A. Again, I can't recall any specifics.
4	A. Yeah. No, I don't remember telling her	4	Q. Next one, "I was told when I voiced some of
5	that, but I don't remember if it happened or not.	5	my concerns that 'I need to stop playing the
6	Q. Right under that in the next bullet point	6	victim.' (When she told Penny that Ken asked what
7	it says, "People mess with her because she dishes it	7	she accomplished this year outside of not dyeing her
8	back."	8	hair)."
9	Was that true?	9	Under that it looks like, according to
10	A. I don't know why they why they mess with	10	Kloosterman's notes, that you admitted that you did
11	her.	11	say that to her.
12	Q. Who messed with her?	12	Is that true?
13	A. I don't know.	13	A. Let me read it
14	Q. Did anyone mess with her in your group?	14	Q. Sure.
15	A. I think there was banter back and forth	15	A please.
16	within the group.	16	Okay.
17	Q. Okay. Who gave her banter?	17	Q. Did you say that to Jesse?
18	MR. TUCKER: You mean engaged in	18	A. Say what?
19	banter.	19	Q. You need to stop playing the victim?
20	MS. GURMANKIN: Better question.	20	A. According to this, it looks like I did say
21	A. So could be the whole group, I would	21	that.
22	imagine. But I don't know. I mean, I know Ken was	22	Q. No. Did do you have a recollection of
23	up there, Ken Foreman, Dan Krise, Jeremy Greene,	23	saying that to Jesse?
24	Matt Skolny. Those are the folks that were her core	24	A. I don't recall it, but if I said I said it
	Page 294		Page 296
1	group.	1	there
2	Q. (BY MS. GURMANKIN) Did they engage in	2	Q. You are not disputing that?
3	banter with her?	3	A. Right.
4	A. Yes, I have heard banter between all of	4	Q. Okay. Do you remember the I mean, does
5	them before.	5	this refresh your recollection about the context?
6	Q. Okay. What banter have you heard?	6	A. So, just looking what it says for the
7	A. I can't remember specifics.	7	context, I when Ken's taking my work, she is
8	Q. Can't remember anything?	8	playing like it's something bad. So I'm assuming if
9	A. As we talked earlier about the carpet and	9	Ken is trying to do some of her work, then she's
10	killing Jeremy, that kind of stuff is what I'm	10	getting upset because he's doing work. And then
11	referring to.	11	it's like, you know, again, stop playing the victim.
12	Q. That stuff that they said she said, right?	12	All we're trying to do is get get you some help.
13	A. That stuff that they both said because	13	So
14	Jeremy was saying something, too. So it's just back	14	Q. Did you ever consider that, when Jesse was
15	and forth.	15	complaining about Ken doing her work, that he was
16	Q. Okay. How about Foreman?	16	doing it because he was sexist?
	A. What about Foreman?	17	A. No.
17	A. What about I oreman:	1	
17 18	Q. What banter did he engage in with Jesse?	18	Q. That never crossed your mind?
		18 19	Q. That never crossed your mind? A. No.
18	Q. What banter did he engage in with Jesse?		
18 19	Q. What banter did he engage in with Jesse?A. Again, I don't recall specifics. I just	19 20 21	A. No. Q. Did you ever ask him if he was doing her work because he was sexist or he didn't think she
18 19 20	Q. What banter did he engage in with Jesse?A. Again, I don't recall specifics. I justknow there was banter back and forth between them.	19 20 21 22	A. No. Q. Did you ever ask him if he was doing her work because he was sexist or he didn't think she could do as good a job as a woman?
18 19 20 21	 Q. What banter did he engage in with Jesse? A. Again, I don't recall specifics. I just know there was banter back and forth between them. Q. How about Krise? A. Same thing. Q. Any other examples of banter that Greene 	19 20 21	A. No. Q. Did you ever ask him if he was doing her work because he was sexist or he didn't think she
18 19 20 21 22	Q. What banter did he engage in with Jesse?A. Again, I don't recall specifics. I justknow there was banter back and forth between them.Q. How about Krise?A. Same thing.	19 20 21 22	A. No. Q. Did you ever ask him if he was doing her work because he was sexist or he didn't think she could do as good a job as a woman?

Page 299 Page 297 he didn't think she could do as good a job as a A. I don't know. 1 1 2 woman? 2 Q. Do you remember saying that to Kloosterman? 3 3 MR. TUCKER: Counsel, that question --A. No. 4 Q. Do you remember if Kloosterman told you 4 can you read the question back? 5 5 (The requested portion was read.) that this allegation referred to Foreman? MR. TUCKER: Instead of "because she's 6 6 A. I'm speculating only, but if it says this 7 a woman" you said "as a woman." 7 right here, maybe she told me that that was one of 8 8 MS. GURMANKIN: Okay. the allegations that Jesse made. So ... 9 9 Q. (BY MS. GURMANKIN) Did you ever consider Q. Because, otherwise, how would you know? 10 whether Foreman did her work because he was sexist? 10 A. Exactly. 11 11 MR. TUCKER: You want to know what you Q. Did you ever consider whether Foreman did 12 12 are not going to do? What words did you start off 13 her work because she thought that she could not do 13 with? "I'm speculating." 14 as good a job as he did because she's a woman and 14 THE WITNESS: Yes. I'm not guessing 15 15 he's a man? anymore. 16 A. Okay. Say that one more time. 16 MR. TUCKER: You are not -- you are not 17 Q. Sure. Did you ever consider whether 17 to guess or speculate. 18 Foreman did Jesse's work because he thought she 18 THE WITNESS: Okay. 19 could not do as good a job because she's a woman? 19 MR. TUCKER: All right? You with me? 20 A. No, I never thought that. 20 You are not to guess or speculate. 21 Q. Okay. Did you ever talk to him about that THE WITNESS: Okay. 21 22 to try to ascertain whether that's why he was doing MR. TUCKER: If you know, you know. 22 her work? THE WITNESS: If I don't, I don't. 23 23 24 A. No. Q. (BY MS. GURMANKIN) No. 5, "At any point 24 Page 298 Page 300 1 Q. All right. Next bullet point on page 6, "A 1 did Jesse notify you that any of these instances 2 coworker had put his hands through my hair without 2 were unwelcomed or she was concerned with any of 3 permission." 3 these situations?" According to her, you say, "No, 4 Did you ever see anyone do that to 4 she did not. That is why I am so stunned." 5 5 Do you remember saying that to Jesse? 6 A. No, I have not. 6 Kloosterman? 7 Q. Ever seen anyone touch her hair? 7 A. I do. 8 Q. Okay. Because you remember being stunned 8 MR. TUCKER: Let her finish her 9 question, please. You're doing a good job. 9 when you learned that she was making those 10 10 THE WITNESS: I thought she did finish allegations against you? 11 it, Joe. I apologize if I did not. 11 A. I was completely stunned. 12 12 Q. According to her notes, you said, "When I Can you repeat the question, please? said the comment in the SPS meeting, I knew that I 13 Q. (BY MS. GURMANKIN) Sure. Ever see anyone 13 14 did the wrong thing. But other than that, this is 14 touch her hair? 15 all total shock." 15 A. No. Q. Okay. And ever see anyone run their hands 16 Is that the Pulse survey meeting that 16 17 we talked about earlier? 17 through her hair? A No. 18 A. Yes. it is. 18 Q. Okay. According to Kloosterman, you said, Q. Okay. Now, some of this stuff you admit to 19 19 20 saying, right? Some about Jesse's allegations you "No recollection" and then you said, "If you talk to 20 21 21 Kenny, you will see he means nothing by it." are not disputing? Do you see that? 22 A. That's correct. 22 23 Q. You are admitting that you engaged in the 23 A. I do see that. conduct that she's accusing you of? 24 24 Q. Do you know what that means?

Page 301 Page 303 MR. TUCKER: Hold on. Where? At the 1 A. That's correct. 1 2 Q. So what are you stunned about? 2 top of page 7? 3 3 A. I'm stunned at the fact that -- so there is MS. GURMANKIN: Uh-huh. 4 some truth to this, and there is not some truth. 4 A. Where it says, "I don't take notes"? 5 And I'm stunned in the fact that she would bring all 5 Q. (BY MS. GURMANKIN) Yes. Right after that. 6 these allegations up without me knowing about it. 6 A. Okay. Can I read that? 7 And when I say that is, we had banter 7 Q. Sure. 8 8 back and forth for years. She would go at me; I A. I have read it. 9 9 Q. Do you know what that refers to? would go at her, whatever that looked like. So when 10 she brought all these things up, I had no clue that 10 A. I do not know what that refers to. 11 this was even bothering her because I was never 11 Q. Did you believe that there are times when 12 12 told. things people do are not appropriate? 13 And the fact that I would intervene 13 A. I would say there are some times people --14 with someone that tried to hug her because she 14 people do something that's not appropriate, yes. I 15 15 didn't like to be touched proves that I'm trying to think that's a fair statement. 16 look out for her best interest. 16 Q. Did you ever experience that at Shell? 17 17 So I did not have any clue that this A. Not that I recall. 18 was bothering her. I would have never done this. 18 Q. Under No. 8, "Is there anyone specifically 19 19 And so to me, this was just back-and-forth banter, you think I should talk to regarding the concerns 20 some of the things that I did that I admitted to. 20 raised?" 21 But then now that it's been brought up 21 Do you recall giving her these names? 22 22 and it's -- and it's in HR's hands, this is what I'm A. No. That doesn't ring a bell at all. I 23 23 apologetic about. Because if I had known that, I don't know what that is. 24 would have never done these things. So that's why I 24 Q. Do you think that Hondo Blakley would have Page 302 Page 304 1 was stunned. 1 information regarding the allegations that Jesse's 2 2 MR. TUCKER: That's a good breaking making? 3 point for me. 3 A. I don't understand the question. 4 THE WITNESS: Okay. Me, too. 4 Q. Do you think that Hondo Blakley had 5 5 THE VIDEOGRAPHER: We are off record. information relevant to Jesse's claims of sexual 6 Time is 2:14 p.m. 6 harassment against you? 7 (A recess was taken.) 7 MR. TUCKER: Can you read that back? 8 THE VIDEOGRAPHER: We are back on 8 MS. GURMANKIN: I'll ask it again. 9 9 record. Time is 2:21 p.m. Q. (BY MS. GURMANKIN) Do you think that Hondo 10 Q. (BY MS. GURMANKIN) Were you also stunned 10 Blakley had information that was relevant to the 11 about the allegations that Jesse was making that you 11 allegations Jesse's making against you? 12 learned about in this meeting with Kloosterman 12 A. I don't know. 13 because you didn't think that you had done anything 13 Q. How about April Heater? 14 wrong? A. I don't know. 14 15 A. Yes, correct. 15 Q. Penny Robbins? Q. And you still don't, right? 16 16 A. Again, don't know. 17 A. Correct. 17 Q. Ken Foreman? 18 Q. Go to page 7, please, of Exhibit 19. 18 A. I don't know. 19 MR. TUCKER: Page 7. 19 Q. Dan Krise? 20 Q. (BY MS. GURMANKIN) At the top it says, 20 A. Don't know. "There are times when things people do are not 21 21 Q. And Matt Scorney? appropriate." 22 22 A. It's actually Skolny. And I don't know. 23 Do you remember saying that to 23 Q. How long is the meeting with Kloosterman? 24 Kloosterman? 24 A. I can't say for sure.

	Page 305		Page 307
1	Q. Approximately?	1	that the only time you had that discussion?
2	A. Two to three hours.	2	A. As far as I recollect, yes.
3	Q. And how does it end?	3	Q. Okay. So yeah.
4	A. I don't recall that, as well.	4	A. They just went over I don't know
5	Q. When is the next time you have a	5	verbatim so I'm not going to guess at it, but they
6	conversation with anyone at Shell about Jesse's	6	had it written down for me.
7	allegations of sexual harassment or the	7	Q. How you violated the Code of Conduct?
8	investigation?	8	A. Yes.
9	A. I don't remember. I don't recall.	9	Q. Okay. Did they give you a copy or they
10	Q. At some point do you learn that the	10	just showed it to you?
11	investigation's been concluded?	11	A. They gave me a copy.
12	A. Yes. At some point, yes.	12	Q. I'm showing you what's marked as
13	Q. Who do you learn that from?	13	Exhibit 33.
14	A. I don't know.	14	Is this the copy of what they gave you?
15	Q. You don't recall?	15	A. Do you mind if I read it?
16	A. I don't recall.	16	Q. No.
17	Q. Okay. At some point you learn about the	17	A. Okay.
18	discipline that you are getting?	18	Q. Is that the document you were referring to?
19	A. Yes.	19	A. Yes.
20	Q. Do you recall if that was the same	20	Q. So tell me what you recall about that
21	conversation in which you learned that the	21	meeting with Larsen, Craig and Kloosterman on the
22	investigation's been concluded?	22	phone.
23	A. I'm going to say I don't recall because I	23	A. And specifically to what? Just the general
24	don't, but I know I knew I knew what was	24	meeting?
	Page 306		Page 308
-	Page 306		Page 308
1	concluded during that meeting.	1	Q. Anything you recall about that meeting.
2	concluded during that meeting. Q. Okay. But you are not sure if you found	2	Q. Anything you recall about that meeting.A. So they called me in. They wanted to give
2	concluded during that meeting. Q. Okay. But you are not sure if you found out at the meeting or before the meeting?	2	Q. Anything you recall about that meeting.A. So they called me in. They wanted to give me the investigation details. I sat down with them.
2 3 4	concluded during that meeting. Q. Okay. But you are not sure if you found out at the meeting or before the meeting? A. Correct.	2 3 4	Q. Anything you recall about that meeting. A. So they called me in. They wanted to give me the investigation details. I sat down with them. Greg Larsen did most of the talking actually, I
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Barnes v. Shell Exploration & Production Company Appalachia, et al. Page 309 Page 311 1 which you identified as Exhibit 33 in that meeting A. Yeah. 1 2 which said how you failed to follow Shell's Code of 2 Q. Okay. Any other ways in which you violated 3 3 Conduct. the Code of Conduct? Where does it say that in here? 4 4 A. That's the only ones I can think of right 5 5 A. The first -- the first line. Right? 6 "Failure to comply with Shell's Code of Conduct," 6 Q. Okay. You said ones, plural. So I just 7 very first line. 7 want to make sure we're on the same page. 8 Q. Okay. Does it say how? 8 The only one that you understood to 9 9 have violated the Code of Conduct that you did was A. "Inappropriate jokes or comments." 10 Q. Does it say what specific one? 10 make cat-claw gestures and make hissing noises? 11 A. I'm not sure I understand your question. 11 A. That's not what I said. I said there is 12 Q. Does it say in there which specific 12 other stuff. I just can't recall everything. 13 inappropriate jokes or comments you made that failed 13 Q. Right. Just so we are clear, the only 14 to follow the Code of Conduct? 14 thing that you can think of as you sit here now is 15 A. It does not say that in here. 15 making the cat gestures and the hissing noises? 16 Q. Did you ask? 16 A. And the banter. 17 A. I did not ask. 17 Q. Right. But you can't recall specifically 18 Q. Do you know how you violated the Code of 18 what it was about the banter that violated the Code 19 Conduct as you sit here today? 19 of Conduct? A. Just in general, the banter back and forth. 20 A. I do. 20 Q. How? Q. Were you ever told specifically what it was 21 21 22 22 A. Just some of the comments and things that I you said that violated the Code of Conduct? made, the cat calls, that -- that kind of stuff was 23 23 A. I don't recall if I was told specifically 24 inappropriate for a supervisor. The banter back and 24 or not. I just know that banter is what was one of Page 312 Page 310 1 forth was another one. 1 them. 2 Q. I want to understand specifically. What 2 Q. Do you have any knowledge of what it was 3 was your understanding as to how you failed to 3 you said that violated the Code of Conduct? 4 follow Shell's Code of Conduct? What specifically 4 A. Not that I can think of. Nothing I recall. 5 5 did you do or say? Q. No one ever told you specifically, correct? A. I don't understand what you are asking me. 6 6 A. Not to my knowledge. 7 Q. What specifically did you do or say that 7 Q. Okay. Did you say in that meeting that you 8 led to the company's conclusion which they told you 8 did not believe that you violated the Code of 9 9 that you failed to follow the Code of Conduct? Conduct? MR. TUCKER: Objection, asked and 10 10 A. That's correct. 11 answered. He's already answered it, but you may 11 Q. Did you say that in the meeting? 12 12 A. Yes. 13 A. Yeah, I -- I just gave you some of the 13 14 suggestions. There is -- there is several things 14 to make sure. 15 that I did, the banter back and forth. 15 You recall saying that now? 16

Q. Okay. You didn't mention that so I wanted Q. (BY MS. GURMANKIN) What? What? Not just 16 A. In this particular meeting -banter. Tell me what specifically did you say. You 17 Q. Yes. said the cat calls were one way in which you failed 18 A. -- that we're talking about? Correct. 19 to follow; is that right? Yes. 20 A. That's one of them, yes. Q. Okay. And did anyone respond to that? Q. And when you say "cat calls," do you mean 21 A. I don't recall specifically what they said. making the hissing noise --22 But, again, this is -- yeah. A. Just (Making sound and indicating.) 23 Q. This is what? Q. -- and cat gestures? 24 A. Oh, no, I -- I lost my train of thought.

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	Page 313		Page 315
1	So I apologize.	1	Q. Did Kloosterman say anything?
2	Q. Why did you sign this if you did not think	2	A. She said very little, but I don't remember
3	that you violated the Code of Conduct?	3	if she said anything at all. But she might have
4	A. Because this is the investigation that	4	just made sure that I understood this. But, again,
5	they that they had. I accept the investigation,	5	I shouldn't speculate. So
6	and so I signed it.	6	Q. How about Craig?
7	Q. How come you didn't write on there that you	7	A. I think he was pretty quiet throughout the
8	disagree that you violated the Code of Conduct?	8	meeting.
9	MR. TUCKER: Objection; asked and	9	Q. Did you talk to anyone on your team about
10	answered.	10	Jesse's allegations or the investigation?
11	MS. GURMANKIN: I haven't asked that.	11	A. Yes.
12	MR. TUCKER: Go ahead. You can answer	12	Q. Who did you talk to?
13	the question.	13	A. Mark Hoover and Hondo Blakley.
14	A. I said I accepted this investigation.	14	Q. Anyone else?
15	That's why I signed it.	15	A. No.
16	Q. (BY MS. GURMANKIN) Did they tell you in	16	Q. You were aware that other members of your
17	that meeting that their conclusion would impact your	17	team were interviewed by Kloosterman?
18	IPF score?	18	A. Correct.
19	A. They did.	19	Q. How did you know that?
20	Q. And your bonus?	20	A. Hallway talk, I guess.
21	A. Correct.	21	Q. That you were involved in?
22	Q. And salary increase?	22	A. Involved in what?
23	A. That's correct.	23	Q. I mean, did you hear it, or were you
24	Q. Did they tell you how it would impact them?	24	involved in the discussion?
	a,, ,, ,		
	Page 314		Page 316
			rage 510
1	A. Through my IPF.	1	A. Oh, no, I just heard it.
1 2	Q. But I mean, did they tell you specific	1 2	
			A. Oh, no, I just heard it. Q. Okay. What did you discuss with Mark Hoover?
2	Q. But I mean, did they tell you specific numbers?A. I don't know if they even knew that at the	2	A. Oh, no, I just heard it.Q. Okay. What did you discuss with MarkHoover?A. Just high level. Nothing detailed. Really
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2 3 4	Q. But I mean, did they tell you specific numbers? A. I don't know if they even knew that at the time. I mean, I got my IPF ranking, if that's what you're asking. They were going to drop it down.	2 3 4	 A. Oh, no, I just heard it. Q. Okay. What did you discuss with Mark Hoover? A. Just high level. Nothing detailed. Really it was more about the findings, the you know, what's happening, because Mark Hoover was also part
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	Page 317		Page 319
1	MR. TUCKER: Don't apologize to me.	1	Q. Was that the first time you had gotten any
2	Apologize to her.	2	kind of warning at Shell?
3	THE WITNESS: I apologize for cutting	3	A. Yes.
4	you off.	4	Q. And as far as you understand, from what you
5	MS. GURMANKIN: It's okay. It was I	5	were told, that's no longer in your file?
6	paused for a second.	6	A. That's correct. After 18 months it was
7	Q. (BY MS. GURMANKIN) You knew I'm sorry.	7	supposed to go away.
8	I lost my train of thought.	8	Q. Did you understand "go away" to mean
9	How did you know that Hoover would have	9	removed from your file?
10	to take the class?	10	A. That was my understanding.
11	A. I don't recall specifically how it came	11	Q. As if it never existed?
12	about. I just knew we had to take the LEAD class,	12	A. That's my understanding.
13	or the LEAD class together.	13	Q. All right. At any point in that meeting
14	Q. So what did you and Hoover talk about the	14	with Craig and Larsen and Kloosterman on the phone,
15	high-level elements of the findings?	15	did anyone discuss with you what would happen with
16	A. Not about the findings. We just talked	16	Jesse?
17	about this is what we got to do.	17	A. No.
18	Q. Anything other than scheduling the LEAD	18	Q. At some point she's moved out of your
19	training?	19	group, right?
20	A. I don't believe so.	20	A. Yes.
21	Q. What did you talk to Blakley about?	21	Q. Okay. When did you learn that that was
22	A. The same thing, that I had to take this	22	happening?
23	class.	23	A. I I don't remember. I don't recall a
24	Q. Anything else?	24	specific date. So I I don't I can't recall.
	Q. Anyuming close.		oposino dato. Con il donti il santifosam
	Page 318		Page 320
1	A. Not to my knowledge.	1	I don't know if it was the end of the year. I don't
2	Q. Other than the warning that you got, did	2	remember.
3	you see any other documentation in connection with	3	Q. Was it before or after you get your
4	the investigation or Jesse's allegations?	4	warning?
5	A. I'm not sure I understand the question.	5	A. I don't recall.
6	Q. Other than the written warning that was	6	Q. How do you find out that she's being moved
7	marked as Exhibit 33 that was the document that they	7	out of the group?
8	gave you a copy of when Larsen and Craig and	8	A. I believe someone told me, and I'm not
9	Kloosterman on the phone met with you	9	guessing who, but someone did tell me. I just don't
10	A. Yes.	10	know who told me.
11	Q did you receive any other documentation	11	Q. Do you recall if it was from HR or
12	in connection with Jesse's allegations or the	12	somewhere else?
13	investigation?	13	A. It was not from HR. It was either from
14		14	Greg or Steve Craig.
	A. No, I don't believe I had.	1.4	Grey or Steve Craig.
15	A. No, I don't believe I had.Q. In that meeting where you got a copy of the	15	Q. And do either Larsen or Craig tell you
15	Q. In that meeting where you got a copy of the	15	Q. And do either Larsen or Craig tell you
15 16	Q. In that meeting where you got a copy of the warning and by the way, did you consider the	15 16	Q. And do either Larsen or Craig tell you where she's going?
15 16 17	Q. In that meeting where you got a copy of the warning and by the way, did you consider the warning to be part of the discipline that was given	15 16 17	Q. And do either Larsen or Craig tell you where she's going? A. When they told me she was moving out, I
15 16 17 18	Q. In that meeting where you got a copy of the warning and by the way, did you consider the warning to be part of the discipline that was given to you?	15 16 17 18	Q. And do either Larsen or Craig tell you where she's going? A. When they told me she was moving out, I don't recall if they told me where she was going or
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15 16 17 18 19 20	 Q. In that meeting where you got a copy of the warning and by the way, did you consider the warning to be part of the discipline that was given to you? A. Absolutely. Q. Okay. You hadn't mentioned that earlier, 	15 16 17 18 19 20	 Q. And do either Larsen or Craig tell you where she's going? A. When they told me she was moving out, I don't recall if they told me where she was going or not. I don't remember that. Q. At any point did anyone tell you that there
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	Page 321		Page 323
1	do remember them talking about that.	1	Jesse's allegations when you found out about them
2	Q. To you?	2	from Kloosterman?
3	A. Not talking to me; telling me that was an	3	A. Yeah. We we discussed that already,
4	option.	4	that I was upset.
5	Q. Okay. You didn't mention that as part of	5	Q. And when you talked to Hoover about the
6	the meeting that you had with Larsen and Craig and	6	training, did you get from him that he was upset
7	Kloosterman on the phone.	7	about Jesse's allegations?
8	Was it then or another time?	8	A. You know, I don't I don't recall what
9	A. I I really don't remember when it was.	9	his what his what if he was upset
10	Q. Before I'm sorry. Go ahead.	10	or not. I really don't.
11	A. I apologize. I didn't mean to cut you off.	11	Q. Did you ever find out what the allegations
12	Q. That's all right.	12	were that Jesse made against him?
13	A. Yeah, I don't remember.	13	A. No.
14	Q. Was it before or after you learned from	14	Q. Had you known prior to talking to him about
15	either Craig or Larsen that Jesse's being moved out?	15	the training that she had made allegations against
16	A. Again, I can't remember when it was.	16	him?
17	Q. Did you learn about this from Larsen or	17	A. Say that again.
18	Craig?	18	Q. Prior to you talking to him about the
19	A. It would have to be one of those two, I	19	training, had you known that Jesse made allegations
20	would think.	20	against Hoover?
21	Q. What did you hear? What was the talk?	21	A. No.
22	A. Again, I don't know. I just heard that one	22	Q. All right. Any other discussions with
23	of the options was to move me out of the position.	23	anyone at Shell around this time about the
24	Q. So at some point are you having a	24	investigation or Jesse's allegations?
	Dago 322		Daga 324
1	Page 322		Page 324
1	discussion about options for Jesse?	1	A. No, not that I can recall.
2	discussion about options for Jesse? A. No, absolutely not. I never had any	2	A. No, not that I can recall. Q. After you have your meeting with
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	Page 325		Page 327
1	Q. Okay. And you don't even know at that	1	A. Thank you. I believe it was. I
2	point what the allegations are?	2	can't yeah.
3	A. That's right.	3	Q. And that position was posted?
4	Q. So you don't think that you I'm sorry;	4	A. Yes.
5	you don't think that Jesse would have been moved out	5	Q. And just Jesse and Jeremy applied?
6	before your meeting with Kloosterman?	6	A. That's correct.
7	A. I would think not.	7	Q. And you interviewed both?
8	Q. Do you recall if she was moved out before	8	A. Yes.
9	you get your warning?	9	Q. Anyone else or just you?
10	A. I don't I do not know. I don't recall.	10	A. Me and Hondo Blakley.
11	Q. After the November 21, 2016, meeting with	11	Q. You interviewed them together?
12	Jesse, did you have any interaction with her?	12	A. Interviewed who together?
13	A. I don't recall.	13	Q. You and Hondo together interviewed Jesse
14	Q. Would you see her in the building?	14	and Jeremy?
15	A. If she was there on occasions, I would	15	A. Separately.
16	probably see her, yes.	16	Q. You and Hondo separately interviewed Jesse
17	Q. And would you speak to her?	17	and then separately interviewed Jeremy?
18	A. If we were walking by the same hallway, I	18	A. Me and Hondo interviewed Jeremy or Jesse,
19	would attempt to say hello just to be nice you	19	and then me and Hondo interviewed Jesse and/or
20	know, to be polite, as it being business is	20	Jeremy.
21	business.	21	Q. You and Hondo were together?
22	Q. What does that mean, you would attempt to	22	A. Correct.
23	say hello?	23	Q. Okay. And you decided on Jeremy?
24	A. I might say hello but she wouldn't she	24	A. That's correct.
	7. Thight oay hollo bat one wouldn't one		7. That's sorrest.
	Page 326		Page 328
1	wouldn't say it back.	1	O 14/1O
^		l .	Q. Why?
2	Q. So there were times when you say hello but	2	A. I'd have to review the notes to go back and
3	Q. So there were times when you say hello but she wouldn't respond?		A. I'd have to review the notes to go back and find out why we selected Jeremy over Jesse.
		2	A. I'd have to review the notes to go back and
3	she wouldn't respond?	2	A. I'd have to review the notes to go back and find out why we selected Jeremy over Jesse.
3 4	she wouldn't respond? A. Correct.	2 3 4	A. I'd have to review the notes to go back and find out why we selected Jeremy over Jesse. Q. Do you recall as you sit here today or no?
3 4 5	she wouldn't respond? A. Correct. Q. How many times did that happen? A. I can't recall. Q. More than five?	2 3 4 5	A. I'd have to review the notes to go back and find out why we selected Jeremy over Jesse. Q. Do you recall as you sit here today or no? A. I recall one specific competency I know
3 4 5 6	she wouldn't respond? A. Correct. Q. How many times did that happen? A. I can't recall.	2 3 4 5 6	 A. I'd have to review the notes to go back and find out why we selected Jeremy over Jesse. Q. Do you recall as you sit here today or no? A. I recall one specific competency I know Jeremy had over Jesse.
3 4 5 6 7	she wouldn't respond? A. Correct. Q. How many times did that happen? A. I can't recall. Q. More than five?	2 3 4 5 6 7	A. I'd have to review the notes to go back and find out why we selected Jeremy over Jesse. Q. Do you recall as you sit here today or no? A. I recall one specific competency I know Jeremy had over Jesse. Q. What was that?
3 4 5 6 7 8	she wouldn't respond? A. Correct. Q. How many times did that happen? A. I can't recall. Q. More than five? A. What's that?	2 3 4 5 6 7 8	A. I'd have to review the notes to go back and find out why we selected Jeremy over Jesse. Q. Do you recall as you sit here today or no? A. I recall one specific competency I know Jeremy had over Jesse. Q. What was that? A. Just maintenance competency.
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	she wouldn't respond? A. Correct. Q. How many times did that happen? A. I can't recall. Q. More than five? A. What's that? Q. More than five? A. I don't recall. Q. At some point right around this time in late 2016, Jeremy Greene is promoted into the scheduler position in your group, correct? A. Correct. Q. Was that a new position that was created, or was that a position that had been vacated? A. It was a position vacated. We were filling it. Q. By whom? A. What's the question? Q. Who was it vacated by? A. I can't remember right now.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I'd have to review the notes to go back and find out why we selected Jeremy over Jesse. Q. Do you recall as you sit here today or no? A. I recall one specific competency I know Jeremy had over Jesse. Q. What was that? A. Just maintenance competency. Q. Was that a requirement? A. Yes, it was. Q. Okay. What does that mean, maintenance competency? A. Experience in maintenance. Q. Is that different from a maintenance analyst's work? A. Yes. Q. Anything else you recall that led to youyou picking Jeremy over Jesse? A. Not that I recall. Q. I am showing you do you have Exhibit 12 on your screen? A. It's pulling up now.

Page 329 Page 331 1 Michelle Priest on August 1, 2017, sending her the 1 Q. Go through. 2 notes. 2 A. Okay. 3 3 Do you know why you are sending those Q. They are attached to this email. 4 to her at this time? 4 A. I'm looking for the --5 MR. TUCKER: Why don't you use the hard 5 A. Can I read it real quick? 6 Q. Sure. 6 copies. 7 A. Looks like I'm sending her the interview 7 THE WITNESS: Okay. 8 notes. It's standard protocol for Shell. Once we 8 A. (Continuing.) Do you have the -- I'm 9 get done with them, we have a certain timeline to 9 looking for the posting, as well, for the 10 send those back to HR. 10 competencies. 11 Q. This is just short of a year after, right? 11 Q. (BY MS. GURMANKIN) I can show you that. 12 A. Year after what? 12 That should be up on your screen. 13 Q. The decision was made around November or 13 A. Perfect. 14 late 2016, right? 14 MS. GURMANKIN: Is that Exhibit 12? 15 MR. TUCKER: Yes. 15 A. For? 16 Q. The scheduler position. 16 MS. GURMANKIN: Other than the email? A. I'm not sure I understand your question. I 17 MR. TUCKER: Other than the email. 17 18 18 yeah. I just think it's easiest for him than going 19 Q. The scheduler position opened up, and 19 back and forth. 20 Jeremy was selected for it in late 2016, right? 20 A. I got what information I need. 21 Can you ask the question again? A. Okav. 21 22 Q. (BY MS. GURMANKIN) Sure. Was Jesse 22 Q. You are sending Michelle Priest these notes 23 23 on August 1, 2017. You see that? qualified for the position? 24 A. I do. 24 A. No. Page 330 Page 332 1 Q. My question is, why are you sending them to 1 Q. Okay. Then why was she interviewed? 2 her as of this time? 2 A. So at Shell we like to interview folks that A. Okay. I believe I was requested for this 3 3 either have the competencies or are ready to move 4 particular -- you know, for this legal. I believe 4 just to get them experience and to gain that 5 5 that's why I did that then. knowledge of how it feels to be in interviews, so 6 Q. You say in your email to her Jeremy did 6 that way they are more comfortable when they do post 7 want to be considered for both the planning role and 7 for a role that they could be more eligible in. And 8 the scheduler, and he wanted the planning role over 8 I believe that was the case for Jesse. 9 9

the scheduling position. Do you see that?

A. Yes, I do.

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- Q. Was there an open planning role in your group as of late 2016, as well?
- 14 A. I don't recall. I'm reading that but I 15 don't recall if there was. But obviously there was 16 something going on there.
 - Q. Was Jesse qualified for the scheduler position?
- A. I'd have to review all the notes. 19
 - Q. Okay. You can't answer that without
- looking at the notes? 21
 - A. That's correct.
- Q. All right. Go through. 23
- A. What's that? 24

And it -- sorry. And it also shows

- where people put in. So it shows they are motivated to do something else. Right? Does that make sense?
- Q. No. How would interviewing them help with that?
 - A. So what it does is, when they apply for a role, that shows that they have interest in doing some more with Shell. So they -- they want to keep moving. They don't want to stay in the same role for a long time.
- Q. Okay. But how would interviewing them help with that?
 - A. Again, that's part of they put in for the role, and then we want to give them that -- that competency piece to say, Okay, this is the role I'm putting in for. If you're -- if you have the

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MR. TUCKER: Go ahead.

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Page 333 Page 335 competencies or not, if you are qualified, we just 1 1 A. I'm looking at it, but I don't -- you 2 want to give you the questions. So it's not every 2 haven't asked a question, have you? 3 3 day that you get these kind of questions, so we want Q. (BY MS. GURMANKIN) Have you seen this 4 4 to prep them for this. This is going through the before? 5 5 motions with them. A. I don't recall if I have or not. 6 6 Q. Okay. Q. Is there anything in this application that 7 A. It's part of their -- their competency 7 would indicate that she does not meet the 8 8 and -- and, you know, leadership. qualifications? 9 9 Q. So it's to help them with their future A. I'd have to review it. 10 career development at Shell, basically? 10 Q. Okay. 11 A. That's correct. 11 MR. TUCKER: Do you mind if I give him Q. Okay. So am I correct that Jesse was not 12 12 the hard copy? 13 actually considered for this role? 13 MS. GURMANKIN: Just to be sure, it's 14 A. I wouldn't say she wasn't considered. We 14 Bates stamped 287 through 295. 15 MR. TUCKER: All right. Look at 287 15 just concluded that she doesn't have the experience 16 once we went through the interviews. 16 and 288. 17 Q. Before the interviews or after? 17 THE WITNESS: 287 and 288? 18 A. During the -- after the interviews, once 18 MR. TUCKER: And then here is the rest. 19 we -- we interviewed her, here's the requirements --19 THE WITNESS: Okay. 287, that's 288. 20 I'm looking at the requirements now on the screen. 20 MR. TUCKER: That's the rest of them. 21 Once we did the interviews, then we took a look at A. Can you repeat the question, please? 21 22 22 Q. (BY MS. GURMANKIN) Yes. Is there anything both what Jesse and Jeremy's competencies were and 23 23 in what's been marked as Exhibit 56, Jesse's their résumés, and then we made that determination. 24 24 Q. All right. So did you conclude based on -application, that indicates that she does not meet Page 334 Page 336 1 you saw Jesse's application that she submitted for 1 the qualifications in the job posting that's 2 2 Exhibit 11? the position, right? 3 A. I don't recall seeing it, but she had to 3 A. From what I can see, yes, there is. 4 submit one. 4 Q. Okay. Where? 5 5 Q. And would it be typical, based on your A. It's the lack of. So under the "Skills and 6 Shell experience, for the hiring managers to see the 6 Requirements." 7 applications as part of the decision-making process? 7 Q. Tell me what page you are on of Exhibit 56. 8 A. Yes. 8 You can give me the number at the bottom right --9 9 Q. Before the interviews or not necessarily? MR. TUCKER: The number at the bottom 10 A. You should be prepped before the 10 down here. The number at the bottom. 11 interviews, right. 11 THE WITNESS: But I'm not looking at 12 (Exhibit 56 was marked.) 12 this. I'm looking at Exhibit 11 on page 2. Q. (BY MS. GURMANKIN) All right. So take a 13 13 Q. (BY MS. GURMANKIN) Okay. look at what's been marked as Exhibit 56. This 14 14 A. Under "Skills and Requirements." 15 is -- this has been produced by Shell as Jesse's 15 Q. Okay. 16 application. A. And then where the bullet points start, 16 17 A. Okay. 17 minimum of five years experience in maintenance work MR. TUCKER: Counsel, are you going to 18 18 and projects; knowledge of preventative and ask him specific questions about it? Because I want 19 19 predictive maintenance works and projects; skill in 20 to give him a hard copy. 20 the use of scheduling tools such as Gantt charts --21 MS. GURMANKIN: Uh-huh. 21 I'm reading that. She has some of that. Skills 22 MR. TUCKER: It's nine pages. 22 based in assessing and prioritizing work based on THE WITNESS: Nine pages. 23 23 critical systems and equipment requirements, project

commitments, age of the work orders, resource

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Page 337

availability and customer satisfaction. And then skill in working with supervisors to communicate priorities and assign resources.

So based on these requirements, Jesse doesn't have that in her résumé. Some of this is valid in between. So the Gantt charts and stuff would probably interface, but the rest of this will not interface with what her requirements are -- what her competencies are.

Q. Just so we are clear, are you saying that her application does not include mention of any of the bullet points under the "Skills and Requirements" section of Exhibit 11?

MR. TUCKER: Objection.

Mischaracterizes his testimony.

Please answer.

A. Yes. I'm not saying nothing. I'm just saying it doesn't pertain to most of this as on the skills and requirements.

Q. (BY MS. GURMANKIN) All right. Let's go through it.

Does she have the first one, a minimum of five years experience in maintenance work and projects?

Page 339

as Gantt charts, PERT networks, CMMS scheduling
 module and resource histograms.

Did she -- she did not mention that on her application, correct?

A. She does have some skills that tie her to that right there as far as the maintenance analyst stuff, setting up SAP profiles, things like that. That does tie into that particular requirement.

Q. Okay. And did you know before the interview whether or not she had skills in that area?

A. I -- yeah, I would -- I would say yes, yes,
 I did know that.

Q. All right. Skill in assessing and prioritizing work based on critical systems and equipment requirements, project commitments, age of work orders, resource availability and customer satisfaction.

A. Yeah, so she does not have all of those skills. There's some clerical stuff that you could do. But knowing what equipment's out in the field, she doesn't have that knowledge just because she hasn't been out there.

Q. So which one of those did she not have

Page 338

A. No.

Q. All right. Knowledge of preventative and predictive maintenance work and projects?

A. No.

Q. No knowledge of that?

A. Knowledge of preventative maintenance work and projects? So as an analyst, probably not. So that's -- you got to know what PMs are there and what the PMs and correctives are to have knowledge of it. So when she has -- you got to know what -- what that equipment is, and she doesn't have that knowledge.

Q. You said "probably not." Did you know whether or not she had knowledge of that before the interview?

A. No, I did not know that before the interview.

Q. Okay. Did you know before the interview whether she had a minimum of five years experience in maintenance work and projects?

A. Yes.

Q. You knew that she did not?

A. I knew that she did not.

Q. Skill in the use of scheduling tools such

Page 340

skill in?

 A. Skill in assessing and prioritizing work based on critical systems and equipment requirements.

Q. Okay.

A. The project commitments, age of work orders, that's something that's found online. She should have enough general knowledge to make that work.

Q. All right. Same with resource availability and customer satisfaction?

A. Correct.

Q. Okay. Did you know before the interview whether or not she had skill in this area?

A. I'm going to assume that I knew she did in those particular parts that I just mentioned she did.

Q. Did you know whether or not she had skill in assessing and prioritizing work based on critical systems and equipment -- I'm sorry; critical systems and equipment requirements before the interview?

A. I knew she did not.

Q. Skill in working with supervisors to communicate priorities and assign resources

	Page 341		Page 343
1	required?	1	I'm sorry.
2	A. Yes.	2	A. No, I have not.
3	Q. She had that?	3	Q. (BY MS. GURMANKIN) Okay. Why don't you go
4	A. Yes, ma'am.	4	through those. Let me know when you are done.
5	Q. And you knew that before the interview?	5	A. Okay.
6	A. Yes.	6	I think I reviewed them.
7	Q. So it's not anything in her application	7	Q. All right. Is there anything in
8	that's included that caused you to think she wasn't	8	either of well, first, those are your handwritten
9	qualified. It's what was not included?	9	notes regarding the interviews with Jesse and
10	A. That's correct.	10	Jeremy, correct?
11	Q. Okay. So as of the time that you meet with	11	A. Yes.
12	her for the interview, is she being considered, or	12	Q. In connection with both of their
	is she just being interviewed as part of Shell's	13	applications to the scheduler position?
13		14	· ·
14	prep for people and part of the career development		A. Okay. Repeat the question. Q. Sure. In connection those are your
15	process?	15 16	· · · · · · · · · · · · · · · · · · ·
16	A. So I don't want that to be a trick		notes in connection with their interviews for the
17	question. So she actually she would be	17	scheduler position?
18	considered, but we are going through the steps. If	18	A. For Jesse's is what I looked at right here.
19	there was some things that I thought I didn't know	19	Q. Okay. I need you to also look at Jeremy's.
20	that she told us in the interview process, that	20	A. Oh, I apologize.
21	would certainly be a weighing-in factor on her	21	Q. That's okay.
22	decision. Based on what I knew of Jesse and her	22	A. I don't think I have got Jeremy's. I just
23	background at the time, I didn't think she would	23	have Jesse's right here. Hard copy.
24	have those certain competencies. But if she said,	24	MR. TUCKER: What numbers are his,
	Page 342		Page 344
1	Yes, I did. I was you know, I worked maintenance	1	Counsel? Does it end in 656? Counsel?
2	prior to coming to Shell, then, obviously, that's	2	MS. GURMANKIN: Yeah, I am looking. I
3	going to be a factor.	3	think so.
4	But so yes, she was considered, you	4	MR. TUCKER: Keep those right here.
5	know, a serious interviewee, but she just wasn't	5	Keep Jeremy's right here.
6	awarded a position.	6	(Discussion off the record.)
7	Q. Okay. Going back to your notes that are	7	MR. TUCKER: Can we go off the record
8	Exhibit 12. And your attorney placed a hard copy in	8	while he's reviewing this, Counsel?
9	front of you.	9	MS. GURMANKIN: Yes.
10	A. Exhibit 12 or Document 12? Okay. My	10	THE VIDEOGRAPHER: We are off record.
11	notes. Okay.	11	The time is 3:06 p.m.
12	MR. TUCKER: At the bottom you see	12	(A recess was taken.)
l		13	THE VIDEOGRAPHER: We are back on
13	inere are numbers inere	. +-	THE VIDEOUTON HEID. WE AID DAUD OIL
13 14	there are numbers there. THE WITNESS: Okay	14	record. Time is 3:11 n m
14	THE WITNESS: Okay.	14 15	record. Time is 3:11 p.m.
14 15	THE WITNESS: Okay. MR. TUCKER: No. 657.	15	Q. (BY MS. GURMANKIN) You have had an
14 15 16	THE WITNESS: Okay. MR. TUCKER: No. 657. THE WITNESS: Did you want me to go to	15 16	Q. (BY MS. GURMANKIN) You have had an opportunity to review Exhibit 12, which is your
14 15 16 17	THE WITNESS: Okay. MR. TUCKER: No. 657. THE WITNESS: Did you want me to go to a particular one?	15 16 17	Q. (BY MS. GURMANKIN) You have had an opportunity to review Exhibit 12, which is your notes from the interview of Jeremy Greene and Jesse
14 15 16 17 18	THE WITNESS: Okay. MR. TUCKER: No. 657. THE WITNESS: Did you want me to go to a particular one? MR. TUCKER: That's the first page	15 16 17 18	Q. (BY MS. GURMANKIN) You have had an opportunity to review Exhibit 12, which is your notes from the interview of Jeremy Greene and Jesse Barnes, correct?
14 15 16 17 18 19	THE WITNESS: Okay. MR. TUCKER: No. 657. THE WITNESS: Did you want me to go to a particular one? MR. TUCKER: That's the first page MS. GURMANKIN: Actually, Joe, 643.	15 16 17 18 19	Q. (BY MS. GURMANKIN) You have had an opportunity to review Exhibit 12, which is your notes from the interview of Jeremy Greene and Jesse Barnes, correct? A. Yes.
14 15 16 17 18 19 20	THE WITNESS: Okay. MR. TUCKER: No. 657. THE WITNESS: Did you want me to go to a particular one? MR. TUCKER: That's the first page MS. GURMANKIN: Actually, Joe, 643. MR. TUCKER: 643.	15 16 17 18 19 20	Q. (BY MS. GURMANKIN) You have had an opportunity to review Exhibit 12, which is your notes from the interview of Jeremy Greene and Jesse Barnes, correct? A. Yes. Q. And that is your handwriting throughout,
14 15 16 17 18 19 20 21	THE WITNESS: Okay. MR. TUCKER: No. 657. THE WITNESS: Did you want me to go to a particular one? MR. TUCKER: That's the first page MS. GURMANKIN: Actually, Joe, 643. MR. TUCKER: 643. THE WITNESS: Okay.	15 16 17 18 19 20 21	Q. (BY MS. GURMANKIN) You have had an opportunity to review Exhibit 12, which is your notes from the interview of Jeremy Greene and Jesse Barnes, correct? A. Yes. Q. And that is your handwriting throughout, correct?
14 15 16 17 18 19 20 21	THE WITNESS: Okay. MR. TUCKER: No. 657. THE WITNESS: Did you want me to go to a particular one? MR. TUCKER: That's the first page MS. GURMANKIN: Actually, Joe, 643. MR. TUCKER: 643. THE WITNESS: Okay. Q. (BY MS. GURMANKIN) You have had an	15 16 17 18 19 20 21 22	Q. (BY MS. GURMANKIN) You have had an opportunity to review Exhibit 12, which is your notes from the interview of Jeremy Greene and Jesse Barnes, correct? A. Yes. Q. And that is your handwriting throughout, correct? A. Yes.
14 15 16 17 18 19 20 21 22 23	THE WITNESS: Okay. MR. TUCKER: No. 657. THE WITNESS: Did you want me to go to a particular one? MR. TUCKER: That's the first page MS. GURMANKIN: Actually, Joe, 643. MR. TUCKER: 643. THE WITNESS: Okay. Q. (BY MS. GURMANKIN) You have had an opportunity to review your notes?	15 16 17 18 19 20 21 22 23	Q. (BY MS. GURMANKIN) You have had an opportunity to review Exhibit 12, which is your notes from the interview of Jeremy Greene and Jesse Barnes, correct? A. Yes. Q. And that is your handwriting throughout, correct? A. Yes. Q. When did you make these notes?
14 15 16 17 18 19 20 21	THE WITNESS: Okay. MR. TUCKER: No. 657. THE WITNESS: Did you want me to go to a particular one? MR. TUCKER: That's the first page MS. GURMANKIN: Actually, Joe, 643. MR. TUCKER: 643. THE WITNESS: Okay. Q. (BY MS. GURMANKIN) You have had an	15 16 17 18 19 20 21 22	Q. (BY MS. GURMANKIN) You have had an opportunity to review Exhibit 12, which is your notes from the interview of Jeremy Greene and Jesse Barnes, correct? A. Yes. Q. And that is your handwriting throughout, correct? A. Yes.

Page 345

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- Q. Okay. Did you make any after the interview, or it was all done during?
- A. I think the only thing that we do -scratch that. We do the scoring after the
 interview's over with. We just take the general
- interview's over with. We just take the general notes and then we start collecting everything that we put in there, and we put that down.
 - Q. All right. When was the scoring done?
- 9 A. I don't recall exactly when.
- Q. Do you recall if it was the same day, within a week, two weeks?
 - A. I don't recall.

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- Q. So it could have been done a week later?
- A. Typically the answer is no, because you want to make sure that you write down what you retain, and we have a timeline that we have to turn this in to HR. So I'm going to say within two days it was done.
- Q. What's the timeline to turn it in to HR?
- A. I don't recall that. I think -- I'm not going to guess. I don't know.
- Q. You don't have a specific recollection of completing the scoring within two days, correct?
 - A. That's correct.

Page 347

- could have way more experience. So these -- these questions are just in general and how did you work.
- Then we go back to their experience that they submitted based on the requirements.
 - Q. Okay. So just to confirm, there is nowhere in your notes of the interview with Jesse where it states that she doesn't meet certain skills or requirements in the job description?
 - A. Not that I have seen. That's correct.
- Q. Okay. The date on these notes indicate that the interviews occurred on 11/16, 2016.
 - A. Looking at the date, that looks like that.
 - Q. No reason to dispute that, right?
 - A. That's correct.
- Q. Okay. Because you would have written the date on which the interviews were being done?
- 17 A. That's correct.
- Q. Is there anywhere in these notes where it states that the decision's been made to give Jeremy the position over Jesse?
 - A. Mind if I just quick -- take a quick glance?
 - Q. No.
- A. No, I do not see that.

Page 346

- Q. You don't have a recollection of when that was done?
- A. That's correct.
 - Q. If you look at Jesse's notes or your notes about the interview with Jesse, is there anywhere in there where you state that she hasn't met certain of the skill requirement elements in the job posting?
 - A. No, and it won't state that in here. So one of the -- one of the things about the interview questions is, you see we ask the exact same questions. This is a standard template regardless of what they are applying for. It could change from
- hourly to -- and so these questions are -- are a
- mirror to get the answers that we are looking for.
 Like. for example --
- Like, for example -
 O Tell me what
 - Q. Tell me what page you are on.
- 17 A. On page 645.
- 18 Q. Hang on one second. Yep.
- A. So at the top, we circled that Q4. So what
- that means is, we should ask the same questions of
- each candidate that applied. So these are general questions. They are not -- they are not competency
- questions to that task. These are just general
 - questions. We get a better feel because someone

Page 348

- Q. Is there anywhere -- is there any documentation that says that you and Hondo Blakley
- 3 made the decision to select Jeremy over Jesse for
- 4 these reasons?
 - A. Repeat the question.
 - Q. Sure. Is there any documentation that lays out the reasons why you and Hondo Blakley decided to promote Jeremy over Jesse into the scheduler position?
 - A. The only documentation that we would have -- and this is from Hondo's notes here -- is a general score, but I don't see the other one. So we have a scoring --
 - Q. Tell me what page you are on.
 - A. This is No. 655. And I'm going to look in
- 16 here. I want to see --
- Q. Tell me what you are looking at so I can follow you.
- A. Okay. Well -- so I guess Exhibit 56, would that have Hondo's notes in that, as well, or that is just an application?
- 22 Q. 56 is just Jesse's application.
- A. Where is -- what documents is the notes, and would it have Hondo's notes and mine or just

Page 349 Page 351 A. The documentation would be imbedded inside 1 mine? 1 2 Q. So Exhibit 12. 2 of the handwritten notes. So we are trying to 3 3 A. Exhibit 12? handwrite some of what they are saying. 4 Q. Yeah. 4 But what it doesn't document is, you 5 5 A. Okay. There's 27. And I'm scrolling know, maybe the difficulty, how they came up with 6 through right now. I'm not on -- so on -- on 6 this stuff or the probing that we -- we might have 7 page -- I can't see that -- 668, this is the -- this 7 had to give or, you know, their demeanor or things 8 8 is the sum -- summary total that we will have added like that. This is basically -- this is strictly 9 9 up for him and I on -- on how we thought the only what they are trying to tell us, and then 10 interview questions were. 10 that's where we are trying to write it down. 11 MR. TUCKER: For the record purposes, 11 Q. Okay. And your interpretation of what they this is Exhibit 12, page 27, with a Bates-stamp 12 12 are trying to tell you? 13 number Shell 668. 13 A. Yes. 14 Q. (BY MS. GURMANKIN) All right. And this 14 Q. Okay. Am I correct that these scores are 15 15 looks like it's for Jeremy. subjective? 16 A. This is for Jeremy, correct. I did not see 16 A. I would say yes. 17 Q. So if I want to know, for example, how you 17 Jesse's. 18 Q. Okay. 18 came up with a score of 2 for Jesse on authenticity, 19 19 MR. TUCKER: It was up earlier. is there anything you can point me to? 20 THE WITNESS: I'm looking. 20 A. I'd have to review the notes again to look. 21 Q. (BY MS. GURMANKIN) And is this your 21 But I don't know if the notes would tell me that. 22 handwriting on this page? 22 You want me to look at the notes real quick? 23 23 A. Let me go back. So the "Jeremy" Q. Sure. 24 handwriting on the top is my handwriting. 24 A. Okay. Page 352 Page 350 1 Everything else is not. 1 So I have reviewed it, and I'm on 2 Q. That's Hondo's? 2 page 647. 3 A. It -- it's not mine. So ... 3 Q. Hold on. 4 Q. I mean, would it be anyone other than 4 A. Of Exhibit 12. 5 5 Q. Okay. Hondo? 6 A. I wouldn't think so. 6 A. So, again, we got the Question 4 is what we 7 Q. So Jesse's overall interview matrix is on 7 highlighted. Tell us the time when you felt most 8 energized at work, and the notes here from Q4, it 8 page 14 of 27, Bates No. 655. 9 9 looks like what I'm seeing, working on KPI board. A. Thank you. 10 10 MR. TUCKER: And if you want, you can Why were you energized? "Making sense 11 11 of information" is what I put down for notes. pull those two pages out of --12 12 THE WITNESS: Out of here? I thought I How do you stay energized at work? 13 13 had seen them. Oh, I see it now. Team work motivates, the recognition from others, 14 A. Okay. Was there a question? team motivates them, recognition from others. 14 15 15 Q. (BY MS. GURMANKIN) No. Do you have those So we took, just out of our experience, 16 that this is the score that we gave her for 16 in front of you? 17 authenticity. Rather was there -- you know, what 17 A. I have got one on the screen and one 18 kind of information was here, how she talked about 18 here --19 19 MR. TUCKER: Yes, yes, he has both of it, and that's what we come up with the scores. 20 Q. But there is nothing I can use to -- there 20 them in front of him. 21 is nothing on page 647 or anywhere else that 21 Q. (BY MS. GURMANKIN) Okay. All right. Is explains why you gave her a 2 as opposed to a 3 or a there any documentation to explain how you and Hondo 22 22 4 or a 1? 23 23 came up with these scores for the different 24 A. That is correct. 24 competencies?

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Page 353 Page 355 1 1 Q. Okay. And for Jeremy, same thing. No that? 2 explanation or nothing you can point to to say why 2 A. Other than the requirements, no. 3 3 you gave him a 4 for authenticity as opposed to a 3 Q. And the requirements, again, don't say this 4 4 or a 2 or a 1? is why Jeremy was promoted over Jesse, correct? 5 5 A. That's correct. A. This is correct. 6 6 Q. Is there any document that explains why you Q. Okay. At the time -- and how soon after 7 and Blakley -- and you made the decision together; 7 the scoring was done did you guys make the decision 8 8 is that right? to promote Jeremy? 9 9 A. Yes. A. I don't recall that. 10 Q. Is there any document that explains why you 10 Q. Do you recall if we are talking days, 11 and Blakley decided to promote Jeremy over Jesse for 11 weeks, months? the scheduler position? 12 12 A. I -- I -- I couldn't -- I couldn't tell 13 MR. TUCKER: Other than what we've 13 you. So sometimes if we are waiting on HR 14 already talked about? 14 decisions, it could take longer. If everything was MS. GURMANKIN: Well, no. There is 15 ready, it could take shorter. So I -- I don't know. 15 nothing that says, This is why we made the decision 16 I can't remember. 16 17 to promote Jeremy over Jesse, or words to that 17 Q. So after you guys make the decision -- let 18 effect. 18 me ask you this: Did you do the scoring together? 19 19 You sat down and went through the scoring together? Q. (BY MS. GURMANKIN) Is there a document 20 that says that? 20 A. To my -- to the best of my recollection --21 21 thank you -- yes, we did. You know what I'm trying MR. TUCKER: Is there a document that 22 says that? 22 to say. 23 MS. GURMANKIN: Yes. Or the gist of 23 Q. All right. And did you make the decision 24 24 it? in that same discussion in which you did the Page 354 Page 356 1 MR. TUCKER: Well, those are two 1 scoring, or was that a separate discussion? 2 2 different questions, if the document says that or A. I don't recall specifically if we made it 3 the gist of that. Which one? 3 in that one or a separate one. 4 Q. (BY MS. GURMANKIN) Is there a document 4 Q. And did you have to get approval from HR? 5 5 A. Yes. that says that? 6 A. That says what? Sorry. You got --6 Q. Who did you guys talk to? 7 Q. All right. Is there anywhere in these 7 A. I don't recall. I'd have to look up. If Michelle was our HR, I would -- I would think it was 8 interview notes that explains why the decision was 8 9 made to promote Jeremy over Jesse? 9 her, but I'm not positive. I would have to see. 10 10 A. No. Q. But whoever your HR support was at that 11 Q. Okay. Is there any document that explains 11 time? 12 12 that? A. Whoever was on that rec, yes. 13 A. Yes. The requirements for the -- for the 13 Q. And did that person ask -- when you say the 14 14 "rec," would that be the job description? role. 15 15 Q. Okay. Is that Exhibit 11 that we looked A. Yeah. So they -- they create the 16 at? 16 requisition, and then what happens is there is an HR 17 17 A. I can't recall. Let me look. representative attached to it. It may or may not be 18 Yes, Exhibit 11, page 879 under "Skills 18 Michelle. It could have been -- I don't want to say 19 and Requirements." 19 an HR trainee, but it could have been a -- you know, 20 20 Q. Okay. But is there anywhere in Exhibit 11 someone else. But I just don't know. It depends. where it says this is why the decision was made to 21 21 Q. All right. So if you go back to promote Jeremy over Jesse? 22 Exhibit 11. 22 23 A. No. 23 A. Okay. Page?

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Q. Okay. Is there any documentation that says

Q. Page 4.

Page 357 Page 359 A. Okay. Here we go. Here? 1 approval for your decision. Right? 1 2 Q. Yeah. So Ria Magtoto? 2 A. That's correct. 3 3 A. Ria. Q. And we know that because Jeremy was the one Q. Okay. She was the HR business partner at 4 4 who was selected? 5 5 the time? A. Yes, ma'am, correct. 6 A. Yes. 6 Q. But you don't recall anyone asking you the 7 Q. She would have been the person that you 7 basis for your decision; is that correct? 8 8 guys talked to about the decision? A. No. They just ask for the notes, and they 9 9 A. Between Ria and Michelle. But, again, I'm leave the rest up to us. 10 not sure which one. They are both on here. Why 10 Q. Okay. Prior to the interview, were you 11 there is two, I don't -- I don't know. 11 aware that Jesse had made complaints of sexual 12 Q. Well, only one is listed as the HR business 12 harassment and discrimination against you? 13 partner, right? Only Ria is. 13 A. No. I was not. 14 A. Yes, but "Selection Panel" I see it says 14 Q. Prior to the scoring, had you been aware of Michelle. And again, I'm not sure why that is. We 15 15 that? 16 could have discussed it. It could have just been a 16 A. No, I have not. No, I was not. 17 brief discussion. I don't know. I don't recall it. 17 Q. Prior to the decision being made, were you 18 Q. Do you know what the selection panel is? 18 aware of that? 19 19 A. No. A. It's just the panel for everyone to say, 20 Okay, this is who we want. Did we do the notes? 20 Q. You sure about that? A. I'm positive. 21 Does everything look good? This is who -- and then 21 22 that's basically it. They are not in the interview 22 Q. Is there any documentation that you can 23 point to to support your testimony that you were not 23 at all. 24 24 Q. Right. But you and Blakley were the sole aware of Jesse's allegations of sexual harassment Page 360 Page 358 1 decision makers? 1 before you made the decision? 2 2 A. We recommended who we wanted, and then A. I don't think there was any documentation 3 everyone collectively decided yes. 3 for me to know that there was. 4 Q. When you say "everyone," who are you 4 Q. I'm sorry; I didn't understand that answer. 5 5 talking about? A. There is no documentation for me to know 6 A. I would probably be -- we're talking to 6 that there was allegations of sexual harassment 7 Steve Craig, to HR and then Hondo and myself. We 7 against me. 8 made the recommendations. Unless something was 8 Q. All right. My questions was different. 9 completely off, they wouldn't typically go against 9 Was there any documentation that you 10 our recommendations. 10 can point to that supports your testimony that as of 11 Q. Okay. So did you have a conversation with 11 the time you make the decision about the scheduler 12 12 Steve Craig about your recommendation? position, you did not know that Jesse had made 13 A. I don't recall one, but I'm certain I had 13 sexual harassment allegations against you? 14 one. 14 A. I don't believe there is, no. Q. Because that would have been your practice? 15 15 Q. At any point after the decision's made, 16 A. That is the practice. 16 does anyone from Shell ask you or tell you that 17 17 Q. Okay. But you don't recall having one? they're reviewing the decision to make sure that it 18 A. I don't recall specifically having one 18 was legitimate? 19 but... 19 A. I do not recall that, no. 20 Q. Do you recall having one with either Ria or 20 Q. I'm showing you what's been marked as 21 21 Michelle? Exhibit 7. 22 2.2 A. I do not. I did not. Yeah, I don't MR. TUCKER: Excuse me for a second. 23 23 remember that. I'm going to get these out of his way. You think you are going back to these? Q. But at some point, I guess, you got the 2.4

20

21

2.2

23

24

Q. What's that?

A. A process improvement lead.

Q. Did he have supervisory authority over you?

A. PIL?

Q. Uh-huh.

Page 361 Page 363 Q. (BY MS. GURMANKIN) If you go to page 2, 1 1 A. So I'm going to say I don't know what that 2 this is the complaint that Jesse file in the Middle 2 question means. So he's not my boss; so then he's 3 3 District of Pennsylvania. not my supervisor. 4 Have you seen this before? And if you 4 Q. Did you fall under his umbrella of 5 5 need to review it to answer the question, that's supervision? A. No. 6 6 7 A. I honestly don't remember if I have seen 7 Q. Could he direct you in terms of work? 8 this before or not. 8 A. He could ask me to do work and I would 9 9 Q. All right. If you go to paragraph 32. respect his position and do the work, but he could 10 A. On page? 10 not make me do something if I didn't want to do it. 11 Q. On page 10 of the complaint, page 11 of 32 11 Q. Was he above you organizationally? A. Yes. 12 of the document. 12 13 A. Page 11? 13 Q. Okay. Goes on to say, "Plaintiff asked 14 Q. Uh-huh. 14 Blakley for help and expressed that she was upset at MR. TUCKER: 11 of Exhibit 7? 15 15 the way she was being treated by Turney and other 16 MS. GURMANKIN: 11 of 32, yeah. 16 male managers and employees because she is female." 17 Q. (BY MS. GURMANKIN) You there, Mr. Turney? 17 Am I correct that you do not know 18 A. Yes, I am. 18 whether or not that is true? 19 Q. All right. So it says, "In or about May 19 A. Yes, that's true, I do not know. 20 2016, Plaintiff complained of sexual harassment to 20 Q. Paragraph 33, "In response to Plaintiff's Blakley." I'll stop there for a sec. complaint, Blakley told Plaintiff that the same was 21 21 You were never told about that, 22 out of character for her and that she needed to make 22 23 sure to control her emotions. 23 correct? 24 A. That's correct. 24 "Blakley also told Plaintiff that Page 362 Page 364 1 Q. Okay. And you don't know whether or not 1 Turney was inappropriate and not qualified to be a 2 that's true, right? 2 supervisor and that she should start documenting 3 A. I do not know. 3 Turney's conduct." 4 Q. All right. "Blakley has supervisory 4 Am I correct that you don't know 5 5 authority over Plaintiff and Turney." whether or not that's true? 6 Is that true? 6 A. I do not know. 7 A. No. it couldn't have been true. 7 Q. Last line of that paragraph, "Blakley 8 Q. How come? 8 acknowledged that Plaintiff was the lowest paid MR. TUCKER: You said 11 of 32. I'm 9 9 maintenance analyst." 10 looking at 11 of 32. I'm sorry, Counsel, I don't 10 Do you know if that was true? 11 see where you are. 11 A. I do not know if that was true or not. 12 MS. GURMANKIN: Paragraph 32, page 10 12 Q. Paragraph 34, "After Plaintiff complained 13 of the complaint. 13 regarding the sex discriminatory conduct to which 14 MR. TUCKER: In or about -- I'm sorry. 14 she was subjected: (a) Plaintiff was excluded from 15 MS. GURMANKIN: That's okay. 15 work-related meetings; Turney became short-tempered Q. (BY MS. GURMANKIN) Why can't that not be 16 with Plaintiff; Turney started micromanaging 16 17 true? 17 Plaintiff and her work; Turney said that he needed 18 A. So Hondo was a PIL, if I'm not mistaken, at 18 to watch what he said around Plaintiff, which the time, which was not my direct supervisor. 19 19 Plaintiff understood to be a reference to her

complaints of sex discriminatory conduct."

Q. Okay. Well, you did take Jesse out of

did any of that happen?

A. No.

At any time before November 21, 2016,

20

21

22

23

24

Page 365 Page 367 1 A. Yes. 1 certain meetings, correct? 2 A. Correct. 2 Q. "As Plaintiff was qualified for the 3 3 Q. Anything else that's true about that? position, which would have been a promotion for her, she applied and was interviewed for the same." 4 4 5 5 Q. Paragraph 36 --Is that true? A. The part that she was qualified for the 6 MR. TUCKER: Objection to the 6 7 question -- two questions ago where he said he did 7 position is not true. 8 take her out of meetings. This allegation 8 Q. Okay. How about the rest? 9 9 A. It would have been a promotion for her, (inaudible). 10 THE REPORTER: Could you speak up? I 10 yes, that is true. 11 couldn't hear you. 11 Q. And it is true that she applied and was MR. TUCKER: The statement in 34 is interviewed? 12 12 13 that she was -- Plaintiff was excluded from 13 A. That is also true. 14 work-related meetings. 14 Q. Paragraph 38, "Turney and Blakley conducted 15 Plaintiff's interview for the scheduler position." 15 Q. (BY MS. GURMANKIN) Paragraph 36, "In or 16 about October 2016, Plaintiff again complained of I'll stop there. 16 sex discrimination to Blakley and Turney." 17 That's true? 17 18 Am I correct that your testimony is she 18 A. That is true. 19 19 Q. "During the interview, Turney and Blakley did not complain to you about sex discrimination in 20 October 2016? 20 laughed when Plaintiff told them that she wanted the 21 A. That's correct. 21 position because she wanted to advance her career at 22 Defendants." I'll stop there. 22 Q. And, in fact, she never complained to you 23 23 Is that true? about sexual harassment or sex discrimination, 24 24 correct? A. That is not true. Page 368 Page 366 1 A. That's correct. 1 Q. Did she say something to the effect of she 2 Q. You understand from her complaints she's 2 wanted the position because she wanted to advance 3 saying she did? 3 her career at the company? 4 A. I understand that. 4 A. I believe -- I'm not sure. 5 5 Q. Okay. You don't recall? Q. And you are disputing that? 6 A. That's correct. 6 A. I don't recall. 7 Q. Do you know whether or not she complained 7 Q. Did either of you laugh at all during the to Blakley about sex discrimination in October 2016? 8 interview? 8 9 A. Oh, I'm -- I'm certain that we did because 9 A. I do not know that. 10 10 Q. "Their only response to Plaintiff's I -- ves. 11 complaint was that she needed to stop playing the 11 Q. Why are you certain that you did? 12 A. Just some of the things that -- that she 12 victim." 13 It is true that you told her that at 13 would say. And she would ask us -- so during the 14 some point, correct? interview -- I remember this distinctly -- I cannot 14 15 15 A. That's correct. talk tonight. Q. Okay. Your testimony is you did not tell 16 She didn't know how to answer these 16 17 questions. So we asked her a question, and she just 17 her that in response to her complaining of sex discrimination? 18 looked at us and was waiting for us to prompt an 18 19 answer like -- and we said, you know, "Jesse, you've 19 A. That's correct. 20 got to answer these questions." Q. In or about -- paragraph 37, "In or about 20 21 21 November 2016, Defendants posted an open position of And she would say something funny as, "Well, I don't know what you want me to say." scheduler, for which Turney and Blakley were the 22 22 23 And so we probably giggled -- or we did 23 hiring managers." I'll stop there for a sec. 24 giggle about that and said, "You've just got to 24 That's correct, right?

Page 369 Page 371 1 1 answer. We can't answer these questions for you." A. Okav. 2 So that's where -- if we laughed, if 2 Q. As you sit here today, you can't dispute 3 3 that was it, that's what she's talking about. that, right? 4 Q. Is that the only time that you guys laughed 4 A. I don't remember if I did that or not. 5 5 during the interview? Q. Paragraph 41, "After Defendants selected 6 6 A. As far as I can recall, yes. the male employee for the scheduler position over 7 Q. "Turney and Blakley also told Plaintiff 7 Plaintiff, Turney told Plaintiff that he was worried 8 that they did not think she would do well in the 8 that Plaintiff might have received the promotion 9 9 position." because she had more time in the group than the male 10 Is that true? 10 employee." 11 A. I don't recall saying that at all. 11 Is that true? A. That's completely false. 12 Q. Did you talk to Jesse about or let her know 12 13 that she wasn't selected for the position? 13 Q. Okay. You never told her that? 14 A. I did. 14 A. No. Q. Okay. Just you? 15 Q. Is that statement true, that she had more 15 16 time in the group than Greene? 16 A. Yes. Yes, just me. Q. And do you recall how soon that was after 17 A. I don't know. 17 18 the interviews on November 16? 18 Q. Did you ever look into that before you made 19 19 the decision? A. No, I do not recall. 20 Q. Do you recall if it was before or after 20 A. If she had more time? 21 that November 21, 2016, meeting that you had with Q. Uh-huh. 21 22 A. Time -- no. Time's irrelevant. 22 Jesse? 23 23 A. I do not recall that, as well. Q. So if someone's in a group for 15 years and 24 24 Q. What do you recall about that meeting? there is an outside applicant, that's irrelevant? Page 372 Page 370 1 A. Just where it was. 1 A. That's correct. MS. GURMANKIN: Let's take a break, and 2 Q. Where was it? 2 3 A. In the hallway by the conference rooms is 3 I'll see how much more I have. 4 where I told her. 4 THE VIDEOGRAPHER: We are off record. 5 5 Q. Okay. Do you recall what you said? Time is 3:39 p.m. 6 A. I just -- I -- I grabbed her -- I didn't 6 (A recess was taken.) 7 grab her. I pulled her to the side or asked her to 7 THE VIDEOGRAPHER: We are back on 8 come over. I just said, "Listen, you weren't 8 record. Time is 3:54 p.m. 9 9 Q. (BY MS. GURMANKIN) Looking at Exhibit 11, selected for the -- for the scheduler role." 10 10 Q. Did you tell her why? which is the job posting for the scheduler position 11 A. I don't recall if I told her why or not. I 11 that Jeremy Greene was promoted into, did you see 12 this job description before you made the decision? 12 would assume that I did. But, again, I don't want 13 A. Yes. 13 to assume anything. So I don't remember if I did or 14 14 not. Q. Did you help draft it? Q. Okay. So going back to the complaint, 15 15 A. I don't recall if I helped or not. Exhibit 7, page 13 of 32, paragraph 40. Sometimes this is already in the system. We could 16 16 17 17 have put some stuff together. But I don't recall if A. Okay, hold on. 18 Q. Sure. 18 I helped draft this or not. A. Page 7 -- or Exhibit 7. 19 19 Q. Did you see, prior to the decision being Q. Page 13 of 32. 20 20 made, Jereme Greene's résumé? 21 A. I'm certain I have, but I don't recall 21 A. Okay. Q. Paragraph 40, "Defendants did not give 22 22 that. 23 23 Plaintiff a reason for failing to select her for the Q. Are you certain you have because it's a 24 matter of practice you would have seen the résumé of 24 scheduler position."

	Page 373		Page 375
1	the applicants?	1	mechanic and he worked in the warehouse gathering
2	A. That's exactly what time saying.	2	those parts and creating BOMs for us.
3	Q. Okay. But you don't recall if you saw his	3	Q. Did you know what his skill was in project
4	résumé in connection with this position?	4	commitments, age of work orders, resource
5	A. That's correct.	5	availability and customer satisfaction?
6	Q. Did you know prior to the decision being	6	A. Yes.
7	made how much maintenance experience Jereme Greene	7	Q. Prior to the decision?
8	had?	8	A. Yes.
9	A. I knew the positions that he held at Shell	9	Q. How long was he in the warehouse?
10	and what he did at Shell.	10	A. Roughly this time I'm going to say six to
11	Q. Did you know prior to the decision how much	11	seven years.
12	maintenance experience he had?	12	Q. As a full-time employee?
13	A. No.	13	A. He was a contractor while he was in the
14	Q. Did you know prior to the decision being	14	warehouse.
15	made how much knowledge of preventative and	15	Q. And then after six or seven years as
16	predictive maintenance work in projects he had?	16	a in the warehouse, then what did he do?
17	A. Yes.	17	A. Then he applied for a position as a
18	Q. What was that?	18	maintenance mechanic in my group.
19	A. The time that he worked for us and his time	19	Q. He got that, I assume.
20	in the warehouse. And when I when I say that, so	20	A. Yes.
21	the time in the warehouse that he did, he was	21	Q. As a full-time employee or contractor?
22	pulling jobs and preparing for preventative	22	A. I can't recall if he was a contractor or
23	maintenance roles. So he had to be the ones	23	a or a Shell employee at that time. I cannot
24	creating BOMs and getting his parts together in	24	remember.
	Daga 271		Dog 276
-	Page 374		Page 376
1	order to know what those what they are going to	1	Q. Do you know when he became maintenance
2	order to know what those what they are going to be fixing in the field.	2	Q. Do you know when he became maintenance mechanic, approximately?
2	order to know what those what they are going to be fixing in the field. Q. So you were you were aware that he did	2 3	Q. Do you know when he became maintenance mechanic, approximately?A. I do not recall.
2 3 4	order to know what those what they are going to be fixing in the field. Q. So you were you were aware that he did have knowledge of preventative and predictive	2 3 4	Q. Do you know when he became maintenance mechanic, approximately?A. I do not recall.Q. Before you became maintenance supervisor
2 3 4 5	order to know what those what they are going to be fixing in the field. Q. So you were you were aware that he did have knowledge of preventative and predictive maintenance work in projects prior to the position?	2 3 4 5	Q. Do you know when he became maintenance mechanic, approximately?A. I do not recall.Q. Before you became maintenance supervisor for Appalachia?
2 3 4 5 6	order to know what those what they are going to be fixing in the field. Q. So you were you were aware that he did have knowledge of preventative and predictive maintenance work in projects prior to the position? A. Yes.	2 3 4 5 6	 Q. Do you know when he became maintenance mechanic, approximately? A. I do not recall. Q. Before you became maintenance supervisor for Appalachia? A. It was during my during my time as
2 3 4 5 6 7	order to know what those what they are going to be fixing in the field. Q. So you were you were aware that he did have knowledge of preventative and predictive maintenance work in projects prior to the position? A. Yes. Q. Were you aware of what skills he had in the	2 3 4 5 6 7	 Q. Do you know when he became maintenance mechanic, approximately? A. I do not recall. Q. Before you became maintenance supervisor for Appalachia? A. It was during my during my time as maintenance supervisor when he came over.
2 3 4 5 6 7 8	order to know what those what they are going to be fixing in the field. Q. So you were you were aware that he did have knowledge of preventative and predictive maintenance work in projects prior to the position? A. Yes. Q. Were you aware of what skills he had in the use of scheduling tools such as Gantt charts, PE	2 3 4 5 6 7 8	 Q. Do you know when he became maintenance mechanic, approximately? A. I do not recall. Q. Before you became maintenance supervisor for Appalachia? A. It was during my during my time as maintenance supervisor when he came over. Q. So it would have been at some point after
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2 3 4 5 6 7 8 9 10	order to know what those what they are going to be fixing in the field. Q. So you were you were aware that he did have knowledge of preventative and predictive maintenance work in projects prior to the position? A. Yes. Q. Were you aware of what skills he had in the use of scheduling tools such as Gantt charts, PE PERT network, CMMS scheduling module and resource histograms prior to the decision being made? A. I knew he had extensive knowledge in SAP	2 3 4 5 6 7 8 9 10	Q. Do you know when he became maintenance mechanic, approximately? A. I do not recall. Q. Before you became maintenance supervisor for Appalachia? A. It was during my during my time as maintenance supervisor when he came over. Q. So it would have been at some point after January 2014? A. Yes. Q. And then did he go from maintenance
2 3 4 5 6 7 8 9 10 11	order to know what those what they are going to be fixing in the field. Q. So you were you were aware that he did have knowledge of preventative and predictive maintenance work in projects prior to the position? A. Yes. Q. Were you aware of what skills he had in the use of scheduling tools such as Gantt charts, PE PERT network, CMMS scheduling module and resource histograms prior to the decision being made? A. I knew he had extensive knowledge in SAP and the working systems that we were dealing with.	2 3 4 5 6 7 8 9 10 11 12	Q. Do you know when he became maintenance mechanic, approximately? A. I do not recall. Q. Before you became maintenance supervisor for Appalachia? A. It was during my during my time as maintenance supervisor when he came over. Q. So it would have been at some point after January 2014? A. Yes. Q. And then did he go from maintenance mechanic to scheduler?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	order to know what those what they are going to be fixing in the field. Q. So you were you were aware that he did have knowledge of preventative and predictive maintenance work in projects prior to the position? A. Yes. Q. Were you aware of what skills he had in the use of scheduling tools such as Gantt charts, PE PERT network, CMMS scheduling module and resource histograms prior to the decision being made? A. I knew he had extensive knowledge in SAP and the working systems that we were dealing with. Q. Anything else? A. Nothing particular. I just knew he knew SAP inside and out. Q. Did you know prior and you knew that prior to the decision being made? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Do you know when he became maintenance mechanic, approximately? A. I do not recall. Q. Before you became maintenance supervisor for Appalachia? A. It was during my during my time as maintenance supervisor when he came over. Q. So it would have been at some point after January 2014? A. Yes. Q. And then did he go from maintenance mechanic to scheduler? A. Correct. Q. Okay. Do you know who Brett Kirk is? A. I have heard the name. I have heard the name. I can't picture where I heard the name from.
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	Page 377		Page 379
1	A. Ask me that question again.	1	who took over her position?
2	Q. Sure. After Jesse was moved out of your	2	A. Tina King.
3	group, did Hondo Blakley talk to you about her	3	Q. Had Tina King been an employee of Shell?
4	applying for another position?	4	A. As a contractor, yes. I don't I can't
5	A. No.	5	recall if she was a Shell employee or not.
6	Q. At any point does anyone talk to you about	6	Q. How did she come to fill the position that
7	applying for about Jesse applying for another	7	Jesse vacated?
8	position after she's moved out of your group?	8	A. She was getting I think she was
9	A. No, not that I recall.	9	getting let me rephrase that.
10		10	As my recollection goes, she was
11	Q. Did you ever hear anyone call Jesse a bitch	11	getting divested. So that means her job role in
12	or bitchy?	12	
	A. No.	13	projects was going away, and they wanted her to
13	Q. Did you ever refer to her as a bitch or		apply for Jesse's role.
14	bitchy?	14	Q. Who is "they"?
15	A. No.	15	A. "They" as in Greg Larsen. And I'm going to
16	Q. Did you ever use that term to refer to any	16	say just him, Greg Larsen.
17	female employee at Shell?	17	Q. So the position was posted after Jesse was
18	A. No.	18	moved out?
19	Q. Did Jen Card ever kiss you on the cheek?	19	A. As far as I can recollect, yes.
20	A. She did.	20	Q. Okay. And do you know if Tina King was
21	Q. When was that?	21	asked to apply?
22	A. The golfing tournament.	22	A. Excuse me?
23	Q. Did she just come up to you and kiss you?	23	Q. Was she asked to apply?
24	A. Gave me a hug and kissed me on the cheek.	24	A. I'm not 100 percent certain on that.
	Page 378		Page 380
1	Q. Did you tell Jesse that Jen Card kissed you	1	Q. But she did apply?
2	on the cheek?	2	
3			A. She did apply.
	A. I did.	3	A. She did apply. Q. Was she interviewed?
4		3 4	Q. Was she interviewed?
4 5	Q. Why?		Q. Was she interviewed? A. You know, I don't know. I don't even know
	Q. Why?A. Because I guess to get under her skin	4	Q. Was she interviewed? A. You know, I don't know. I don't even know if I did the interview, neither. I can't recall and
5	Q. Why?	4 5	Q. Was she interviewed? A. You know, I don't know. I don't even know if I did the interview, neither. I can't recall and I can't remember.
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Why? A. Because I guess to get under her skin because the banter we had back and forth, because she didn't like Jen Card. Q. Why would you want to get under her skin? A. Just because MR. TUCKER: Objection; asked and answered. You may answer it again. THE WITNESS: I apologize. A. Just that was the relationship that we had at the time. We just were back and forth with banter. Q. (BY MS. GURMANKIN) Weren't you telling Jesse that Jen Card kissed you on the cheek cheek to suggest that Jesse should do the same? A. Absolutely not. Q. You were just doing it to get under her skin?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. Was she interviewed? A. You know, I don't know. I don't even know if I did the interview, neither. I can't recall and I can't remember. Q. Do you know if anyone else applied? A. I do not recall that. Q. Were you involved in her being selected? A. I do not recall that, as well. Q. Was she still in the group at the time that you were promoted in 2018? A. Yes. Q. In connection with your 2018 promotion, did you tell anyone that you had been accused of sexual harassment? A. No. Q. Had you told anyone that you were found to have violated the Code of Conduct? A. No. Q. I'm showing you what's been marked as Exhibit 1. This is a cover email to Michelle Priest

Page 381 Page 383 Q. And I want to show you page -- well, if you 1 Q. -- and focused. All right? 1 2 2 go to page 2, the first page of the sign-in sheet, Earlier I had asked you -- or earlier 3 3 it says on the right side at the top "Ethics you testified that you reviewed Megan Kloosterman's 4 notes of your meeting with her in preparation for 4 Training Code of Conduct refresher supervisor 5 your deposition today. 5 session." 6 You recall that? 6 Do you see that? 7 A. I do. 7 A. Yes. I do. 8 8 Q. Do you recall this training? Q. And you said you had seen some 9 9 discrepancies based on your review, correct? A. I don't recall it. 10 Q. All right. If you go to page 3. 10 A. Correct. 11 A. Okay. 11 Q. All right. And then you got an instruction 12 12 Q. That's your name printed in the left not to answer that question. And then you had 13 column, second from the top, right? 13 testified that what was not fully true about her 14 A. Yep. 14 notes was when she said that -- when her notes 15 reflected that you said that you showed a picture of 15 Q. And is that your signature two columns to 16 16 yourself in your underwear to the group. the right? 17 You recall that? 17 A. It is. A. Correct. 18 Q. And your handwriting is the date? 18 19 19 Q. Okay. And you said that wasn't true A. That's correct. 2.0 Q. Okay. This is not the LEAD training that 20 because you were not in your underwear; you were in your compression shorts? 21 you were required to do as part of your discipline, 21 22 22 correct? A. That's right. 23 Q. Okay. Are there any other discrepancies 23 A. That's correct. This is just a refresher. 24 that you noticed when you reviewed this document? 24 Q. Okay. For everybody? Page 382 Page 384 1 A. Yes. 1 And for the record, it's Exhibit 19, and it should 2 Q. Okay. All right. That's all I have for 2 be before you. 3 3 Any other discrepancies that you 4 A. Okay. 4 noticed when you reviewed this document in 5 MR. TUCKER: Let me see counsel outside 5 preparation for your deposition today? 6 for a moment. 6 A. To the best of my knowledge, everything 7 THE WITNESS: Okay. 7 that I testified to is accurate. This is a summary 8 THE VIDEOGRAPHER: We are off record. 8 of what Megan said. So I'm going to say that 9 Time is 4:04 p.m. 9 everything that I reviewed is -- is accurate, either 10 (A recess was taken.) 10 true or false, but I believe we are okay. It's 11 THE VIDEOGRAPHER: We are back on 11 okay. 12 record. Time is 4:06 p.m. 12 Q. Okay. All right. Thanks. That's all. MR. TUCKER: Hold on. Let me see my 13 13 MS. GURMANKIN: Anything, Joe? MR. TUCKER: Uh-uh. 14 client outside for a second. 14 THE VIDEOGRAPHER: Back off record. THE VIDEOGRAPHER: This concludes 15 15 16 Time is 4:06 p.m. 16 today's deposition. We are off record. Time is 17 17 (A recess was taken.) 4:11 p.m. 18 THE VIDEOGRAPHER: We are back on 18 (4:11 p.m., deposition concluded.) 19 record. Time is 4:09 p.m. 19 20 FURTHER EXAMINATION 20 21 21 BY MS. GURMANKIN: 2.2 Q. Just a couple of questions. I'm going to 22 23 try to keep this short --23 A. Okay. 24 24

	Page 385	Page 387
1	REPORTER'S CERTIFICATE	1 ERRATA SHEET
2	I, CONSTANCE KOENIG, Certified Shorthand	
3	Reporter in and for the State of Texas, do hereby	·
4	certify:	Taken on: February 19, 2020
5	That the witness named in the foregoing	In the matter of: Barnes v. Shell Exploration, et al.
6	deposition was by me duly sworn; that the deposition	4 PAGE LINE NO. CHANGE REASON
7	was then taken before me at the time and place	5
8	herein set forth; that the testimony and proceedings	6
9 10	were reported stenographically by me and were transcribed through computerized transcription by	7
11	me; that the foregoing is a true record of the	8
12	testimony and proceedings taken at that time; and	9
13	that I am not interested in the event of the action.	10
14	Witness my hand dated March 3, 2020.	11
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16		13
17		14
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	Page 386	Page 388
1	Page 386 INSTRUCTIONS TO THE WITNESS	Page 388 1 SIGNATURE PAGE
1 2	INSTRUCTIONS TO THE WITNESS	
	INSTRUCTIONS TO THE WITNESS Read your deposition over carefully	1 SIGNATURE PAGE
2	INSTRUCTIONS TO THE WITNESS Read your deposition over carefully It is your right to read your deposition and make	1 SIGNATURE PAGE
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Exhibit 3

Maintenance Analyst - Wellsboro, PA

*Company description

Shell has been operating in the United States since 1912. We believe that our people are our greatest asset and that is why we invest heavily in our employees. Our industry-leading development programme helps unlock your potential and will see you work with an unrivalled pool of local and global experts. We will make sure that your ideas will travel through our global network of experts. In the United States, Shell is a major oil and gas producer in the deepwater Gulf of Mexico, a recognized innovator in oil and gas exploration and production technology and one of America's leading oil and gas producers, fuel and natural gas marketers and petrochemical manufacturers. We operate in 50 states and employ more than 22,000 people delivering energy in technically innovative ways.

*Job Description

Performs the administrative tasks necessary for effective productivity and reporting of the Maintenance team. Administer work order completion updates, technical history updates including failure codes for work orders. Assist in ongoing SAP user support and training

*Requirements

- Must be eligible to work in the USA without sponsorship
- Must have advanced SAP skills
- Must be capable of balancing multiple tasks to achieve results with weekly and monthly deadlines
- Experience or capable of developing a working knowledge of oil and gas production equipment, labor roles and business functions
- Administer the SAP Maintenance integrity execution data management requirements including updates to the asset hierarchy, new equipment tag creation, and preventive maintenance plan edits
- Assist scheduler in communication and publishing the weekly schedule
- Assist maintenance coordinator to analyze key metrics and cost control measures for maintenance and project work

*Disclaimer

Please note: We occasionally amend or withdraw Shell jobs and reserve the right to do so at any time, including prior to the advertised closing date.

Before applying, you are advised to read our data protection policy. This policy describes the processing that may be associated with your personal data and informs you that your personal data may be transferred to Royal Dutch/Shell Group companies around the world.

The Shell Group and its approved recruitment consultants will never ask you for a fee to process or consider your application for a career with Shell. Anyone who demands such a fee is not an authorised Shell representative and you are strongly advised to refuse any such demand.

Shell/Motiva participates in E-Verify.

All qualified applicants will receive consideration for employment without regard to race, color, sex, national origin, age, religion,

Exhibit 4

JESSE A. BARNES

50 Apache Lane, Tioga, Pennsylvania 16946 | 570.404.0861 | jesseandrea632@yahoo.com

EDUCATION AND TRAINING

Training

8 Step Problem Solving Process

Maintenance Analyst Shadowing

Maintenance Reliability Turnaround Workshop

MIE Sustainability Workshop

2009-2010 Pennsylvania College of Technology

2002-2008 Mansfield Junior/Senior High School

High School Diploma

Wellsboro, PA

Wellsboro, PA

Calgary, AB

Houston, TX

Williamsport, PA

Mansfield, PA

WORK EXPERIENCE

Shell Exploration and Production Company

October 2014-Present

Maintenance Analyst (Cenergy Contract)

Wellsboro, PA

- Work closely with Planners, Scheduler, and Maintenance Technicians to accomplish daily goals
- Communicate work schedule and close out work orders daily
- Review feedback daily for continuous improvement opportunities
- Attend daily meetings
- Communicate work schedule and distribute shop papers to appropriate personnel weekly
- Analyze data and reports daily
- Create and track notifications
- Skilled SAP abilities
- Maintain Maintenance Integrity Execution standards
- Create reports and presentations for accountability assessments
- Set up SAP profiles and request proper access for employees
- Update visuals for schedule compliance initiatives
- Plan office building maintenance jobs

Shell Exploration and Production Company

November 2010-October 2014

Administrative Assistant (Cenergy Contract)

- Assist the Operations team with reaching business and personal goals in a fast-paced work environment
- Assist with scheduling Superintendent's travel plans
- Work closely with vendors on invoice processes
- Manage telephone call, emails, and in-person visits from a community hot line
- Delegate community cases to proper personnel for resolution
- Research landowner claims, enter detailed data, and close claims
- Organize community open houses, in addition to answering and directing questions at open houses
- Provide support with spreadsheets and presentations using Microsoft Excel, Word, and PowerPoint
- Proficient with Microsoft Outlook
- Provide support with copiers, printers, and postage meters
- Purchase office supplies and keep items in stock
- Schedule meetings
- Keep updated employee records
- Data entry
- Provide IT assistance

Changos Cantina

2012-2012

Bartender

- Beverage and food sales
- Interact and build customer relationships

Wellsboro, PA

Mansfield, PA

Mark's Brother's Restaurant and Lounge

2009-2011

Bartender

- Beverage and food sales
- Interact and build customer relationships

ACHEIVEMENTS

Charity Golf Tournament Committee Member Building Fire Warden

Volunteer for Community Events

REFERENCES

Mansfield, PA

Exhibit 5

Interview Questions: Jesse Barnes

Attendees: Jesse Barnes, Megan Kloosterman (HR)

Date: 12/6/16

Introduction

Introduction of myself

- Purpose of meeting is to follow up on the concerns raised in the E&C hotline call you made regarding allegations of harassment we will be taking the lead on the investigation
- At this time I don't have any conclusions, we take these allegations seriously and are in the process of gathering information
- I ask that you be honest and transparent in your responses so I can gather the information needed to complete a thorough investigation
- Please keep the information we discuss here confidential, I will as well only sharing on an absolute need to know basis

Interview Questions

Describe your current role and responsibilities.
 Hired in Sept 2015 as a full-time employee into the team; Will was just hired as well; I was an Admin Asst, was asked to train as a maintenance analyst role and started training in October of 2014 – moved to the maintenance team's cubicle area. Will was the supervisor at that point and

I was transferred under Will.

Role is to be a communications amongst the team – KPIs, areas of improvement, reports on how we are doing, etc. Mostly communicate and share with Will and he is supposed to support when you give to the rest of the team. Work with schedulers/planners to ensure coordination. Have to work with engineers too – gathering information from people. Work with Will on a daily basis for your work.

- a. How is your job going (i.e. job duties, work specific)? Enjoy the work that I am doing.
- 2. Describe the org structure for the team you are a part of and how your role interacts with theirs.

Jeremy, Calvin – work really well with them; realize there will be butting heads sometimes, but Ken is almost an instigator, or tries to put down people; not just me, but I've seen him do this to another planner (Dan). He thinks its funny, it's not though. He will make comments about me being blonde; I asked how to spell a word and said don't make fun of me and he made a comment like it might be too late for that.

Will – mostly it's not about work when he approaches me; it turns into non work-related conversations; I have a hard time talking to him. My instant reaction is to go away from him when I see him or hear

ЕХНІВІТ 018

him; If I need to go to him about something I try to avoid it; Some work is independent and I don't need a lot of direction; a lot of my support comes from a team in CA so I can call them up; if I am having an SAP issue I call them; We have Monday 1:1s and it is an argument every time we are in the room together; most of the time 9/10, he will either touch me in some way, put his arm on my shoulder or on leg and I will have to back up; I have expressed to him that I don't want to be touched. Arguments are around the whiteboard, visibility, leadership visibility to see problem areas, I see the data all day long, a lot of the conversations is Will telling me what he wants to see and then me putting it up and then Will knit picks everything, all info he wants on the board he will talk down to it or knit-picky and destroys peoples' confidence. He gave me directions on Monday and on Friday I completed it. In my IDP it says I'm supposed to visit the field quarterly to gain field knowledge. That's the only goal I'm not meeting in my IDP, I went to the rig with a co-worker (Jen Carg – Rig Admin). On Monday I did not tell him – someone must have told him I went on a rig visit by it's his Friday off. He said you went to the field instead of finishing the board like i wanted to. I felt like it was finished, it had all the information he asked for on it. I feel like he has a control issue with me, idk if he was upset I didn't tell him I was going to the field. Rory is our lean focal point, he helps with costs, he's asked everyone to build these boards, and we started working on the board this morning. I liked his suggestions so I put them up on the board, certain targets. When will saw that he didn't like it, he said why did you have Rory help you on this. Will said this isn't Rory's board, it is our board.

Ken Foreman would come up behind me and put his hands through my hair – it became a joke between Ken/Will, that Jesse doesn't like to be touched.

Women – At this office, there are about 5-6 females that work here. Engineers will visit monthly that are females. I haven't noticed that as a whole or heard from other women that there are issues.

When Greg/Steve are around things are different, people act different because they are the leaders.

Will – haven't noticed that he will touch others on the team, like putting hand on leg, but he is friendly and gives high-fives, but haven't noticed specifically touching on leg/arm like with me.

I think Will is the ring leader of disrespect towards me – I mentioned Ken, but I feel like as a group they get a vibe on how to treat certain people; you can treat Jesse this way because Will isn't showing how to be respectful. The guys all joke around together, but I feel like I am treated differently. I don't feel like there is a good vibe on our team; communication issues.

In the hotline call you provided various examples that I would like to gather additional information on. I would like to walk through each one to gather additional information and details.

- Would like to understand when this happened (date), any documentation/notes/evidence, and any witnesses to the events.
- When you are referring to your supervisor in the hotline call, who are you referring to?

Supervisor

- I have been shown a "selfie" of my supervisor in his underwear by him.
 - Went to Canada, Will/Jesse/Ken Foreman, for a training. At a social network for the training; Went after work, got dinner and had a social night. This is when he showed me; he said don't tell anyone I showed you this, this is what I sent to my wife. He was in his boxer briefs, they were lime green/black. He showed it on his phone, did not send to me. He wasn't wearing anything else in the picture; no one else heard or saw; Ken was around, but I don't believe he saw. This was in 2014 when I was a contractor.
- I have been brought into situations with an employee that were not necessary because my supervisor thought it was funny that the other employee and myself did not like each other.
 - O Will this specific time was with Robin and him. He asked me some simple/basic question and she was sitting across the table; he said he brought me into the meeting bc he knew me and robin didn't get along and I laughed about it and I thought it was funny. This was in 2015 because Robin hasn't been here for a while- this was when she was working with Greg Andrews' team. She was here to help with LEAN. I don't remember the specific topic; but it was a very simple question. Then later he was joking about why he brought me in there. Cat claws/hissing.
 - I was in a similar situation like this before; Robin Grouette is the other employee I am referring to; my history with Robin is, I don't feel I had any visible conflict with her. But I had been in a situation with a supervisor- sexual harassment before she was handling the situation. People would joke that we had resentment towards each other bc she didn't necessarily help me in the situation; This was with [Section 2]; Mike came in and stepped in and did some interviews.
- I was told in my mid-year review that I make good money for a woman and should not be upset with my pay grade by my supervisor.
 - o MYR was in the summer July/August timeframe. I realized I wasn't meeting my field goal.
 - We were talking he gave me a good MYR he said you're a JG7 right? I said no I'm a JG8. He said oh, that's right.. I put in for a jG7 but Greg Larsen said I will be an 8 no reason but not to be upset bc I make good money for a women. I said I don't know what that's supposed to mean. But he kind of stumbles around the conversation so that's what he did.
- My supervisor told me I was intended to be a pay grade 7 but was told by OM that I would be an 8 with no explanation.
 - Refer to the above; have not asked Will or anyone for a more thorough explanation.
- I was told I work well with male employees because I am a woman by my supervisor.
 - Will I started a new project for the asset where I work with our lead mechanics; they would come in from the field about an hour per week, but the weekly timeframe didn't work out; but the leads would come in and sit with me and pick a preventative maintenance plan; I would pick one that was a good bc there were a lot of discussion about it; the lead would go through and make corrections to the PMP; it saves us money and we came up with (worked with Rory) to come up with \$ amount for time/money it's saved us. Right now we are at 16K. This was on one of our visibility boards.
 - I was explaining it to Will on how I came up with the number and I was excited about the project.
 I said I work well with Luke and the leads' on this stuff, and he said well that's because you are a woman. I was taken back because I didn't know how to process that.
 - This was this year, right before Michael Crothers came to the asset.
- Superintendent had written me a note to tell me he thought I did a good job regarding certain projects
 and CC's my supervisor on the email. I was then taken a side by my supervisor and a door was closed so
 the superintendent could not hear supervisor talk down to the things the superintendent just gave me
 recognition for.

- Steve congratulated me on that visit; good job for discussing the visibility board; The day he received the email will asked me to come to the board and the board is right next to the conference room and there was a bunch of people in there; I think Will saw Steve and shut the door and proceeded to put me down on the project; he said it's not showing what we are saving, I felt he talked down about it; he kept saying you didn't do what I told you to do. It felt to me like maybe he was upset that i was getting praise from someone other than him. (Mike Dueitt even said it looked good and good job).
- I was told I am a hot blonde by my supervisor.
 - o Will numerous people overheard this one for sure; I left that day to grab a salad at the supermarket and apparently they saw me and beeped their horn at me. He said oh I just saw a hot blonde at the grocery market; I said really I was just there (thinking it wasn't me) he said yeah, I'm talking about you. I said well I wouldn't expect my boss to say that to me and he laughed about it. He told that story in front of some supervisors where he sits. He told the story to the team in the cubicle. Hondo (process improvement lead) was in the cube when he said it. Dalton was in the truck with Will at the time. Jeremy Greene was in the cubicle the second time when Will told the story. It was this year, in the Fall.
 - o I think people sense there is a tension around Will and I. With Will being the lead they kind of just laugh with him. I know Jeremy knew I was upset about it.
- I am continuously asked about my personal life by my supervisor.
 - Will asks me what do I do when I get home? Do you start drinking wine? Do I cook? He asks me bizarre questions when people are around. It is really uncomfortable. He asks me about my boyfriend, what does he do, what does he do, does he make good money? He has met him once, I brought him to the holiday party and ever since he met him there have been a lot of question about him. My boyfriend had to get back surgery, they called me and told me they were going to bring him into surgery. I asked Will if I could take the rest of the day off and when I came back from work, he asked how it went. Then he continually asked about him. It's been 4-5 months and he will still ask about it.
 - The supervisors he works with in the cubicle hear (Hondo Blakely and Mark Hoover, in front of the direct team).
- My supervisor has referred to my significant other as a nerd.
 - Will it came up at work after the holiday party (first and only time he has met him); He said something about pretty girls dating nerds, that's when he asked me all of the questions about him. Hondo was there when he was asking.
- During a pulse survey meeting, when I spoke up about an opinion I had, I was told the meeting was not about me by my supervisor.
 - Will's whole team was there; I spoke up once and I said sometimes I feel like you don't have me do what's for the business value because he will pull me away from certain projects; I was trying to explain why I answered that question negatively; he said well this meeting is not about you Jesse, and I just kind of shut down. I didn't talk or bring up any points I had after that.
 - After that meeting he asked why I shut down and I said you shouldn't have said that and it's not right, and he admitted that he shouldn't have said that and he apologized.
- At a work charity golf tournament I was asked more than once why I was not wearing shorts at this event and if my supervisor could cut my pants into shorts as well as other supervisors joined in and took a picture of my backside (buttock) and saved on phone.
 - Will asked multiple times why I am not wearing shorts; I said I can't wear shorts around you guys.
 He repeatedly asked me; I organized the tent for the golf tournament; in the morning he asked multiple times; maybe we can cut those shorts

- o Hondo hasn't done anything other than this, but he took a picture of my backside; he asked how much I thought he could get for the picture; and I said I would delete that if I were you.
- o Tina could have heard; she helped me set up the tent; Wayne Fletcher was around at that time
- The tournament was in June 2016
- I was informed to "bullshit" my superintendent on what my position competency by my supervisor.
 - O Confronted Will about an issue I had; a superintendent was questioning my competency about my role; I said I have only been in this role a year and I feel like I'm being compared to a 5-year analyst; I said I'm trying, I hope you see that; he said I think you're doing a good job, he said there is just a lot of pressure to get where we need to be. I expressed I felt overwhelmed. He said Steve questioned it to Will; and I am the type of person to tell you if I have a problem; I told Will how I felt; I was the first person in this role at our asset; I have had 2 weeks of training; Will shared with me that Steve had said that.
 - Will said when Steve approaches you, just bullshit him. I feel like this is an example of how he tries to get a rise out of me to make me think I'm not doing good enough
- My supervisor touches my arm and or leg the majority of the time I have a meeting or talk to him one on one.
 - Any time we have a 1:1 meeting; if we have a group meeting he will roll over and tell me something in my ear (About work), but i don't know what he is trying to portray (during team meetings)
 - He will text me to smile in a meeting.
- I was told I am only right if my supervisor allows me to be by my supervisor.
 - Standing by our Admin Penny. Will came back from lunch and I was asking her a question. He
 walked by and he told me that. I don't remember how the conversation started, Penny was there
 but it was a conversation with me and Will.
 - o This was recent; a month ago or so.
- I have addressed my supervisor about an issue I was having with a co-worker and was told that is the way
 it was going to be.
 - o (SUMMER) Will had a conversation about Ken Foreman with him. Ken was doing some of my job. I asked Will why he was letting Ken do that, I expressed I wanted to do my work. I said this multiple times. Every time I confront Will, he said you have to play nice, you can't do everything by yourself. One day I told Ken that I don't want him to do my work, he said Will was upset that certain things weren't being done in a timely manner. So I asked Will what needs to be done that you need done right now. Ken is telling me that you're upset and that's why he is doing a part of my job. Will said I don't know what he is talking about; Will said he would come to me if there is a problem. I told Ken that and he said well, uh, and stumbled over his words. I was very upset about how he lied about the situation. I asked if I could work from home because I was so upset. Nobody was really telling me, he was just doing it. Will told me there was nothing I wasn't dong that he needed done. That went on for about a month because Jeremy was scheduling and Ken was supposed to be training him.
 - Will told me I need to play nice in the sandbox and I can't do all of this work by myself. Which, now I am doing this work by myself.
 - We were trying to streamline a process; to make these changes you have to document a lot of stuff; a lot of inquiries weren't being captured, so I kept asking Will if I could manage it; when Ken went off Will finally gave me the management role for that; since then I feel like it's improved. I now capture the requests coming into me and save it on the shared drive. I feel like it's going well; but Will hasn't given any feedback whether he thinks it's going well or not.

This was not discussed between the 3 of them at any point.

- My supervisor said he thinks it's funny when I get into a disagreement with other women co-workers.
 - There is a lady in Pittsburgh who I get along with, but she is pretty stern and outspoken. She emailed us (me, Will, Hondo) about a purchase order that was not done correctly coding or agreement with vendor. I asked Will what do you want me to say back? It was a communication mishap she called us out on the issue; Will kept saying, you guys get in a fight i don't want to be a part of it, you guys can fight it out. He thought it was funny that we were in a disagreement.
 - o The girl is Tonia P.
- Supervisor gestures cat claws and makes a hissing noise.
 - All the time; if I speak up in a meeting, I state my job is pointing out areas that is not to our standards I have to point out flaws. Our team is so defensive they will speak up and Will sits in the corner and makes cat claws. He does it in front of the team so they think... idk, idk how else to go about it. Instead of supporting me, he makes those gestures. He doesn't step up and lead it
 - These are during planner/schedule meetings Calvin Flynn (EWIMS focal point) (Ken Foreman, Dan Krise, Calvin, Mark Hoover (sometimes), Jeremy, Will) – Monthly MIE.
 - Operators/Morning meetings they will voice during the meeting if they have concerns about
 the schedule; Kyle Vessel (example) say that people on my team are throwing me under the bus
 that I was the reason for a scheduling issue.
- I expressed a concern to my supervisor a CPR trainer that instructed at our office that when I was performing CPR the instructor told me to "pick my ass up" in front of male colleges. My supervisor said "well did you pick it up?" in a laughing manner.
 - Jeremy and Lynn Doud were partners
 - The trainer said no offense but pick your ass up about my technique. Later, weeks later, Will said something about the CPR training. I said yeah I don't like that guy and I told him the story. And he said Well, did you pick it up? He said that in front of people too. Jeremy was there, Luke one of our leads was there.
- In my goals on HR online I entered I would attempt to visit the field every quarter for I am office based and want to gain knowledge of the field. When I asked permission to spend the day in the field with a female colleague I was told by my supervisor I was only allowed to go for 4 hours. When I asked why and/or if he needed me for something that prevented me from spending an 8 hour day in the field, he responded with no I just don't think you need to spend the whole day in the field.
 - O Go to field with April Heater asked Will if she could go for a day with April. He said I don tthink you need to spend a whole day with her. I disagreed with him; and he said he didn't want me to spend all day with her for no reason. It was frustrating; even though there wasn't any work for me to do here.
- I have been asked by my supervisor multiple times if I thought about him over the weekends.
 - This wasn't very long ago. This past Fall it would have happened within the past month.
 - o Ken Foreman was in the room when he asked me
 - He asked me to come to the conference room, it was a Monday, I said no, and he said come on, not once? And then he asked a question about work.
- My supervisor has told me that he has thought about me while showering.
 - He said "I thought about you in the shower this morning" and he said he was thinking about you
 and how you buying your vehicle. And I stopped talking to him I couldn't get over that he was
 thinking about me in the shower.
 - Jeremy was there when he said that.
 - This was in the Fall past couple of months

- My supervisor encourages arguments among my team.
 - Him being the ring leader, setting the presence of its ok to talk to me(or whoever)
 - The cat claws when I'm trying to make points.
 - o If someone makes a dig eh will laugh at it instead of trying to correct it and not talk like that. He laughs at us arguing and making digs at each other.
 - o I'm not an angel, I have called people out. If I'm provoked I have probably said things that I should have. I've told a supervisor to f*** off. I guess that's me trying to stick up for myself.
- My supervisor mocks me when I have informed people I do not like to be touched.
 - o The hug example when the visitor from Canada hugged me when I saw him (Dalton)
 - He came up to me and said 'Jesse doesn't like to be touched' I said you shouldn't have said that to Dalton.
 - The beginning of the summer time.
- My supervisor has mocked me when I told him I do not come to work to hear that I am pretty when a coworker referred to be as pretty.
 - A coworker had asked me to do something for him outside of my normal work; Will was joking saying that you have to tell Jesse she's pretty to try to get them to do what he was asking. I said I don't come to work to be told I am pretty. And Will kept saying that over and over the whole day.
 - I was trying to put a stop to it and then he continued to mock me. I stopped talking to him that whole day.
 - My supervisor kept saying it when I addressed him "I don't come to work to hear I am pretty" he would say to me.

Other

- I was told I was not smart enough by a supervisor to be able to do something.
 - Mark Hoover brought a new employee up to my desk (Nathan Smelzer) needed work order to charge his time. Mark said we will come back, and he said he needs a work order, and I said I can get that for him, and he said I didn't know you were smart enough to do that. I rolled my eyes and I got him a work order. He may have been trying to be funny. I never had a problem with Mark before Will came around. So it seems like because of the way Will acts, its ok to say those things.
- I have received non work related text messages.
 - He (Will) has asked if I missed him, while I was on vacation (May)
 - He (Will) asked if I had been drinking yet (May)
 - Kyle Vessel and Ricky Dake approached me when I returned and they asked if Will texted me on my days off. He said he brought it up in a meeting. They said he's not supposed to do that.
 - Mark Hoover has also texted me things that don't need to be said. Maybe they thought it was funny. I started making sure they knew it wasn't ok.
 - Jesse has personal cell phone and believes the texts came from Will's work cell phone.
- I have been referred to as a "window licker", which I believe was to insult my intelligence.
 - Mark Hoover; this is the day I told him to F off. There is no reason for him to come talk to me specifically. He called me a window licker and I told him to F*** off. He laughed and walked away.
 - This year; was not that long ago; No one was around but he told Will that I told him to F off and Will though it was funny.
- I have been called a bitch by numerous people in the office.

- Mark has called me that to my face 'boy you are being a real bitch today'; I try to avoid conversation with him, a lot of times I walk into the door and people say you are in such a bad mood today, and I won't have said anything to them yet.
- Coworkers say you are being a real --- and stop before saying it.
- As a woman there is a perception that you have to be all happy and positive; and if I am not smiling and all happy that I am there then they think I'm being a B.
- o I am not happy when I'm around Will and I can't be happy. I'm always worried about what he is going to say or do, or touch me.
- You don't want to see him or talk to him, so you are chained to your cubicle. I will stay in the bathroom until I hear him walk by for example.
- Everything added together as a whole is very overwhelming
- I was told when I voiced some of my concerns that "I need to stop playing the victim".
 - Will—I told Penny that Ken just asked me what did you accomplish this year besides dying your hair? And Will overheard and he said you're always playing the victim aren't you?
 - o Hondo We had built a working relationship be he has been involved in the Robin/situation. Before that, there was a time when a guy from our Bradford asset was messaging me. HE was messaging inappropriate things on messenger that he wants to flirt with me. I grabbed Hondo and asked him what to do. He said you need to tell Robin. I felt Hondo and I developed a relationship where I knew I could go to him if I had an issue. For some of these things with Will I talked to him about it. He advised me to control my temper, because of the time when I wanted to leave when Ken was lying he also said Will shouldn't be telling me (bullshitting my competency, JG issue). Hondo said to me when I was talking about Will with him and something Hondo said that I'm always the victim.
- I have been told by co-workers that maybe if they wore tight pants and batted their eyes they could get what they wanted, suggested that this is what I do.
 - o My group in my cubicle area Ken Foreman, Dan Cryss
 - o I think it's been brought up more than once, I think it's a joke to them that this is what I do.
- This co-worker had lied to me saying that my supervisor was mad at me because I was falling behind on work. When I asked my supervisor what I needed to catch up on he denied that he had said anything.
 - Refer to example above Ken and Will
- A co-worker had put his hands through my hair without permission.
 - Ken has done this multiple times
 - I have asked him to stop and he did stop but they joked about it and he has his hands up in the air when he approaches me.
- 3. How did the harassment affect you? Has your job been affected in any way?
 - a. For my jobs, I have found ways around it; I've developed a wall where it's kind of like 'if you don't need to talk to me then don't unless work related'. In the situation, I've done a good job because people have told me that.
 - b. Personally, it wears on you. I talked to my doctor about it a little bit and she thought it could be situational anxiety. MY personality at work has changed at work. It is different when you are under a higher level person. I have always been under the Superintendent. It's different level of professionalism. I felt respected when I worked under them. Now I feel like I'm very limited on trying to go above and beyond. I feel like every time I have to communicate with Will. When I try to work with others, like Rory, I get told I shouldn't do that.

- c. I'm very anxious when he is around; my body tenses up; everybody in the cubicle can tell we don't get along; that there is definitely tension.
- 4. Do you feel OK continuing to work in the current org structure? I've felt a little better knowing that you are coming and that Steve/Greg knew. I thought he might stay away from me more, or knew that Steve/Greg would be here. I'm not trying to get out of work. Monday's are the hardest days, when we have our 1:1s.
- 5. Did you tell anyone about the harassment?
 - a. Who did you tell, when, and what did you tell the person?
 - i. Hondo talked with him about most of it (during the time when I asked Will if I could leave when the situation with Ken happened/he was lying) I was trying to deal with it on my own. He gave me advice to control emotions/temper and that Will shouldn't have said this stuff. I feel like when I confront someone they think I am attacking them.
 - ii. Steve wanted to follow the process; reached out to Michelle
 - iii. I think others know there are issues between us I come to my cubicle and they can tell with how my mood has changed
 - iv. Jeremy my mid-year review, when he brought up I'm a woman, my pay and project (working with men).
 - b. What happened as a result of your complaint? Did the harassment/hostile work environment stop? When did it stop? Promptly?
- 6. Are you aware of these individuals harassing others? Do you know whether anyone complained about harassment by that person?
 - a. Not Ken
 - b. Will I have heard people say he talks to you in a manner that he shouldn't and they also had run-in's with him where he comes off very aggressively. Shane Sullinger heard a conversation and was shaking his head.
 - i. Matthew Emspen, Carlton (no longer here)
 - ii. I think people don't want to say anything, but I know people think it's not right
- 7. How would you like to see the situation resolved?
 - What I want I don't know if it's the right thing saying I want him gone I don't know if that is the right thing. I know he has the family.
 - I don't want to feel like this is my goal.
 - I don't want to be viewed like I think I'm being viewed by my team.
 - I feel discouraged
 - I don't want to report to him

- My goal is to do my job and move up and work.
- 8. Is there anything else you'd like to share with us related to your concerns that have not already been discussed?
 - a. Pay grade questioned whether I was brought in as a JG8 was because I am a female (you were supposed to be a 7 and now you are an 8)
 - b. When mom worked here the government came in and did a review on paying and found a women and male were paid differently. (she was a scheduler)
 - c. Will has told me that he has driven past my house before I purchased a jeep; I don't drive it to work, I drive a beater car I would rather put my miles on. I live 30 minutes away and it is a dead-end street. He told me he has seen my jeep because he has driven past my house before (I got my jeep in September)

(in regards to recent meeting with Steve/Will)

- d. I think he has sensed a lot of tension from me and has backed off the last few weeks.
- e. (THREE WEEKS AGO) There had been a conversation between me, Steve, and Will. I applied for a scheduler job and Jeremy Greene got, which I am perfectly ok with. In the interview (it was Will/Hondo), I felt like some of the questions were fine. But it felt like a few were directed to point out my flaws, which is fine, but i didn't want my attitude towards Will to affect anything. I approached Steve if you got any feedback from the interview; I want a different point of view. Steve set up a meeting g with me 1:1 and said he wasn't involved in the interview. I said I didn't want bad information to be funneled to Steve. He said he wasn't involved much, but was trying to give me advice on how to get the job. I told him I was having a hard time with Will. He sense I was upset bc I started crying. I shared some of these with him and told him I submitted something. He said he wanted us to go through the process it should go through.
- (TWO MONDAYS AGO) The same day of my meeting with Steve, we had our 1:1, apparently I said something that upset him so he called him to the conference room and he said he doesn't appreciate my comments when we're having this meeting. My comment he was upset about was that I was on the rig when I was working on the board. I said you know I have a full-time job; I have other jobs other than this board. He said he didn't appreciate that comment, and when I made the comment he said what do you do all day? And I said you should know what I do all ay. He could tell I was upset with him. He said do you want me to go get Steve, and I said yes. Steve is trying to be neutral; he was acting like he had never heard it before. I started saying some of these things with Steve/Will. He was taken back because he didn't know I was documenting everything. He didn't say very much. They listened. He didn't deny anything or confirm anything. I spoke about me being a woman; Steve said that should not have been brought up. Will didn't say much. At the end, Will said I want to repair this relationship, if I need to only talk about work related things, I can do that. Something along those lines. I said to Steve, is this my only option to repair my relationship with Will? Will asked if I wanted to be switched to another supervisor – so Will told Steve that's why she's asking? Steve said I think you're referring to your HR claim and he said I just want this process to play out like it's supposed to and if I need to work from home bc I don't feel like I can work here. I remember saying I'm not OK.

I feel like this has been going on for so long for so long; can I work with Will, I don't think so.

- Is there anyone specifically you think we should talk to regarding the concerns raised?
 - a. It's hard because you don't want to get people involved

- i. Matt Empsen
- ii. Kelvin Flynn
- iii. Penny Robins
- 10. Please send me any supporting documentation (emails, text messages, etc.) that may be useful for us to reference as part of the investigation.

FOLLOW-UP QUESTIONS 12/7/16

Q: What was the tipping point that led you to make the hotline call?

A: I was concerned that since I had built up all of these walls and was concerned that leaders would receive feedback that I'm difficult to work with and it would impact my career with Shell. I Ddnt want negative feedback that I am difficult to work with or communications were poor when It was because of these situations. I decided I needed to do something about It when I realized It could impact me. I was holding all of this inside and It was impacting me and my performance.

Conclusion

- Please keep this conversation and the information we discussed confidential and do not share others
- Stress this is an on-going investigation, I will be talking to a number of people and this needs to remain most confidential.
- I will maintain confidentiality as well and will only be shared on a need to know basis
- As a reminder, we do not tolerate retaliation for submitting a complaint nor participating in investigatory interviews – if you have any concerns related to retaliation, please let me know
- Feel free to contact us should you think of anything else after our meeting
- We take these complaints seriously and as a reminder, I will not draw any conclusions until the investigation has been completed

Exhibit 6

Message

From: Soudelier, Kelly H SEPCO-HRN/AT [/O=SHELL/OU=AG3-SHELL/CN=RECIPIENTS/CN=USI+SOUI]

Sent: 11/29/2016 3:32:09 PM

To: Kloosterman, Megan SEPCO-HRN/AT [megan.kloosterman@shell.com]

Subject: Fwd: ACTION: GLOBAL COMPLIANCE CASE SHELL-16-11-0050

Attachments: SHELL-16-11-0050 _UA.pdf; ATT00001.htm

Kelly Soudelier Human Resources Manager US HR Operations - Unconventionals and Integrated Gas

Mobile 713-628-2131

Begin forwarded message:

From: "Priest, Michelle L SEPCO-HRN/AT" < Michelle.Priest@shell.com >

Date: November 28, 2016 at 4:08:55 PM CST

To: "Soudelier, Kelly H SEPCO-HRN/AT" < Kelly.Soudelier@SHELL.com > Subject: FW: ACTION: GLOBAL COMPLIANCE CASE SHELL-16-11-0050

Here is the case—I'll forward this and a summary of both queries and background to Megan once I hear from you if she is the right person who can help this week?

Michelle

Michelle Priest

HR Account Manager, Unconventionals

Address: 150 N. Dairy Ashford, Houston, TX 77079 – F03968 Phone: +1 281 544 7474 (Click here to call me on Communicator)

Email: Michelle.Priest@shell.com

Internet: http://www.shell.com/global/future-energy/natural-gas.html

This mail has attachments containing confidential personal data, which should only be processed and used for the purpose of this communication. Whilst in your possession, it should be stored securely, not shared with unauthorised persons and deleted after its legitimate use.

From: Otto, Cari E SHLOIL-HRN/AB

Sent: Monday, November 28, 2016 9:58 AM
To: Priest, Michelle L SEPCO-HRN/AT

Cc: Otto, Cari E SHLOIL-HRN/AB

Subject: ACTION: GLOBAL COMPLIANCE CASE SHELL-16-11-0050

Michelle,

We received the attached Global Compliance Hotline case in which the Caller is alleging harassment, specifically name calling, belittling, inappropriate touching and commentS. I have attached the case for your review.

014

Please let me know who will be investigating this incident, and then have that person respond with his/her notes, findings, and any recommendations by **Dec. 23.** I will correspond with the investigator going forward once identified.

Thank you, Cari

CASE DETAILS

SHELL-16-11-0050

CONFIDENTIAL MEMORANDUM

Report Initiated 2016-11-15 13:38 GMT Primary Priority C

Scheduled Follow-up Case Indicator

Source Web Submission Current Status Open 2016-11-15

Awareness Resource Declined Case Opened 2016-11-15

Language English Case Closed

Documented by WEBALLEGATIONSUBMIT Days Open 13 days

Case Due Date 2017-01-14

AllegationClassPriorityPrimaryHarassmentPeople and SafetyCYes

Location Location Geography Location Function

United States Region: Americas

Shell Appalachia

12880 Route

6, Wellsboro, PA 16901

Parties Involved Party Type Job Title Description

Jesse Barnes Caller Maintenance Analyst

Other (570) 404 0862

jesse.a.barnes@shell.com

William Turney Subject Maintenance Supervisor

Issue Summary

I have been dealing with harassment issues, specifically name calling, belittling, inappropriate touching and comments.

Issue Details

Since I have started working under my direct supervisor there has been issues with harassment and a hostile work environment. I put in a list form below of the incidents I have been dealing with.

I have been shown a "selfie" of my supervisor in his underwear by him.

I have been brought into situations with a employee that were not necessary because my supervisor thought it was funny that the other employee and myself did not like each other.

I have received non work related text messages.

I was told in my mid-year review that I make good money for a woman and should not be upset with my pay grade by my supervisor.

I was told I work well with male employees because I am a woman by my supervisor.

I was told I am a hot blonde by my supervisor.

I am continuously asked about my personal life by my supervisor.

My supervisor has referred to my significant other as a nerd.

During a pulse survey meeting, when I spoke up about an opinion I had, I was told the meeting was not about me by my supervisor.

At a work charity golf tournament I was asked more than once why I was not wearing shorts at this event and if my supervisor could cut my pants into shorts as well as other supervisors joined in and took a picture of my backside (buttock) and saved on phone.

I was informed to "bullshit" my superintendent on what my position competency by my supervisor.

My supervisor touches my arm and or leg the majority of the time I have a meeting or talk to him one on one.

I was told I am only right if my supervisor allows me to be by my supervisor.

I have addresses my supervisor about an issue I was having with a co-worker and was told that is the way it was going to be.

This co-worker had lied to me saying that my supervisor was mad at me because I was falling behind on work. When I asked my supervisor what I needed to catch up on he denied that he had said anything.

My supervisor told me I was intended to be a pay grade 7 but was told by OM that I would be an 8 with no explanation.

My supervisor said he thinks it's funny when I get into a disagreement with other women co workers. Supervisor gestures cat claws and makes a hissing noise.

I expressed a concern to my supervisor a CPR trainer that instructed at our office that when I was performing CPR the instructor told me to "pick my ass up" in front of male colleges. My supervisor said "well did you pick it up?" in a laughing manner.

In my goals on HR online I entered I would attempt to visit the field every quarter for I am office based and want to gain knowledge of the field. When I asked permission to spend the day in the field with a female colleague I was told by my supervisor I was only allowed to go for 4 hours. When I asked why and/or if he needed me for something that prevented me from spending an 8 hour day in the field, he responded with no I just don't think you need to spend the whole day in the field.

I have been called a bitch by numerous people in the office.

I was told when I voiced some of my concerns that "I need to stop playing the victim".

I have been told by co workers that maybe if they wore tight pants and batted their eyes they could get what they wanted, suggested that this is what I do.

I have been referred to as a "window licker", which I believe was to insult my intelligence.

Superintendent had written me a note to tell me he thought I did a good job regarding certain projects and CC's my supervisor on the email. I was then taken a side by my supervisor and a door was closed so the superintend could not hear supervisor talk down to the things the superintendent just gave me recognition for.

I have been asked by my supervisor multiple times if I thought about him over the weekends.

I supervisor has told me that he has thought about me while showering.

My supervisor encourages arguments among my team.

I was told I was not smart enough by a supervisor to be able to do something.

A co worker had put his hands through my hair without permission.

My supervisor mocks me when I have informed people I do not like to be touched.

My supervisor has mocked me when I told him I do not come to work to hear that I am pretty when a co worker referred to be as pretty. My supervisor kept saying it when I addressed him "I don't come to work to hear I am pretty" he would say to me.

I feel like I am being bullied at work. On a daily basis I feel upset and frustrated. I have become very unhappy while at work. My motivation level has decreased and my communication is lacking. This is affecting my work and personality at work.

Additional Questions

Answers

What is your relationship to Shell?

Shell Employee

Did you choose to remain anonymous?

No

If you would rather remain anonymous, would you instead be

willing to communicate with just one individual in Shell without

N/A

having your name documented?

If you are not comfortable with this would you be prepared to

communicate via an independent Third Party?

N/A

N/A

If you are willing to do this Shell will respond to your issue with a contact name/number for you to receive on your follow up call.

Are you reporting an issue in the United States or outside the

US?

Inside the US

For which business unit or area of operations does the subject

of this report work [if the caller does not know, ask which

business unit he/she works for].

Shell Oil Products US (SOP US) (also includes Chemical

English

Manufacturing at Deer Park, Geismar or Norco)

Yes

If you do not work for one of these units, what is the name of

your operating unit?

N/A

To which Shell company does this issue refer?

N/A

Communication with Reporter

Туре	Date Entered	Entered By	Reply Given to Reporter	Language
Follow-up	2016-11-16 13:30 GMT	webAllegationSubmit	No	English
WPA Follow-Up				
The user has not provide	d any additional details for	this report.		

Reply 2016-11-15 19:05 GMT Connie Olivarez

Investigation Pending

Dear Reporter:

Thank you for your submission. Your report has been received and is now being assessed accordingly.

Regards,

Business Integrity Department

Other Background Details

Shell Business (Level 1) Upstream

Shell Business (Level 2)

UPU - Unconventionals

Report Type Allegation
BID Investigation No, HR/HSSE

Report Name HR

CMS Case Number

Origin of Report Helpline

Allegation against Shell Employee

Location of case material Date set to Pending

Referred to Law Enforcement

Job Grade of Subject 1

Job Grade of Subject 2

Job Grade of Subject 3

Employees terminated

Contractors terminated

Employees disciplined

Contractors disciplined

Assignee	Assignment Type	Complete/Removed	Date Assigned	Assigner
Cari Otto	Lead Investigator		2016-11-15 19:01 GMT	Connie Olivarez
Doug Schlegel	View-Only		2016-11-15 19:01 GMT	Connie Olivarez
Joseph Montemayor	View-Only		2016-11-15 19:01 GMT	Connie Olivarez
Matthew D Griffiths	View-Only		2016-11-15 19:01 GMT	Connie Olivarez

Assignment Notes Date Entered Entered By

No Case Assignment Notes found for this call report.

Investigation Notes

Date Entered Entered By

No Case Investigation Notes found for this call report.

Other Investigation Details

Date of Incident N/A

External Investigator Cost: Currency

Real loss: Currency

Potential loss: Currency

Case Indicator

Legally Privileged
Potential Report to SEC

Up the Ladder

Related Case Same Case Date Added by

No Related case found for this call report.

Resolution Details

No Resolution found for this call report.

Executive Summary Reporter alleges harassment in the workplace.

Other Resolution Details

Attachments

File Name Date Added Uploaded By

No Case Upload Files found for this call report.

*Client agrees and understands that NAVEX Global neither warrants, vouches for, nor authenticates the reliability of the allegations provided in this report. Client agrees that it shall have the sole responsibility for investigating or otherwise evaluating these allegations and other information provided and to comply with all local, state and federal laws pertaining to the investigation and protection of such information, as well as the protection of all rights of any person or persons accused of any wrongdoing.

Exhibit 7

PIL'S Allan.

Planner - Keng - Jeremey A Mt Analyst - Planner - Dan.

Jesse 1:1 Nov 2157/2016

Applied for Schoduler. Issues & how Will treats her Don't want to be touched. Ken-pards through hair - witnessed & Hardo - Feels haresement + Has, touched other women Not a joke

Nov 20nd - Mfg & Will + Lease Short discussion on concerns x Jesse & Will.

Dec 1 W Megan Klosterman, Kelly Soudelier, Greg Investigation Tues/Wed next week (Megan) Thes-Thuse 2 pm Room 130

Jenc. April?

Redacted



Exhibit 8

\



Compressed Transcript of the Testimony of **KEN FOREMAN, 2/14/20**

Case: Barnes v. Shell Exploration & Production Company Appalachia, et al.

Summit Court Reporting, Inc.

Phone: 215.985.2400

Fax: 215.985.2420

Email: depo@summitreporting.com Internet: www.summitreporting.com

	Page 3
IN THE UNITED STATES DISTRICT COURT	1 INDEX TO WITNESSES
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA	2
Jesse Barnes, : Plaintiff, :	3 WITNESS PAGE 4 KEN FOREMAN
:	5 EXAMINATION
vs : : 4:18-CV-01497	6 By Ms. Gurmankin 5
: Shell Exploration and Production :	7 8
Company Appalachia, Shell Exploration and Production	9
Company, Shell Oil Company, : Defendants.	10 PREVIOUSLY MARKED EXHIBITS
Deletidarits.	11 EXHIBIT DESCRIPTION REFERENCED
	12
Videotaped deposition of KEN FOREMAN, taken at Holiday Inn, 100 Pine Street, Williamsport,	Exhibit 22 Interview Notes 46
Pennsylvania, on Friday, February 14, 2020	13 14
beginning at 12:04 p.m., before Lori A. Fausnaught, Registered Merit Reporter/Certified	15
Realtime Reporter.	16
	18
SUMMIT COURT REPORTING, INC.	19
Certified Court Reporters and Videographers 1500 Walnut Street, Suite 1610	20 21
Philadelphia, Pennsylvania 19102 424 Fleming Pike, Hammonton, New Jersey 08037	22
(215) 985-2400 * (800) 447-8648 * (609) 567-3315 www.summitreporting.com	23
WW.cammacporang.com	24
Page 2	Page 4
1	1 STIPULATION
2 APPEARANCES: 3	2 It is hereby stipulated by and between
4 CONSOLE MATTIACCI LAW, LLC By: CAREN N. GURMANKIN, ESQUIRE	3 counsel for the respective parties that sealing 4 and certification and filing are hereby waived;
5 1525 Locust Street, Ninth Floor	5 and that all objections, except as to the form of
Philadelphia, PA 19102 6 (215) 545-7676	6 the question, are waived until time of trial.
gurmankin@consolelaw.com 7	7 * * * *
Counsel for Plaintiff	8
9	9 THE VIDEOGRAPHER: We are now on the
TUCKER LAW GROUP 10 By: KATHLEEN KIRKPATRICK, ESQUIRE	record at 12:04 p.m. on February 14, 2020 for the
Ten Penn Center 11 1801 Market Street, Suite 2500	videotaped deposition of Ken Foreman in the matter of Jesse Barnes v. Shell Exploration and
Philadelphia, PA 19103	13 Production Company, Appalachia, et al., filed in
12 (215) 875-0609 kkirkpatrick@tlgattorneys.com	the U.S. District Court, Middle District of PA,
13 Counsel for Defendants	Number 18-1497. This deposition is being held at 100 Pine Street, Williamsport, PA, 17701.
14	
15 ALSO PRESENT:	17 My name is Bryce Connor, from Summit
15 ALSO PRESENT: 16 Bryce Connor, Videographer	18 Court Reporting, Incorporated, and I am the
16 Bryce Connor, Videographer 17 18	Court Reporting, Incorporated, and I am the videotape operator. The court reporter is Lori
Bryce Connor, Videographer17	18 Court Reporting, Incorporated, and I am the
Bryce Connor, Videographer Bryce Connor, Videogr	Court Reporting, Incorporated, and I am the videotape operator. The court reporter is Lori Fausnaught, also from the firm Summit Court Reporting, Incorporated. Counsel will be noted on the stenographic record.
Bryce Connor, Videographer Region 17 Region 18 Region 19	Court Reporting, Incorporated, and I am the videotape operator. The court reporter is Lori Fausnaught, also from the firm Summit Court Reporting, Incorporated. Counsel will be noted on

A. I do.

Q. Also for the sake of the written

anticipate what my question is going to be; just

transcript, there may be times where you

21

22

23

24

Barnes v. Shell Exploration & Production Company Appalachia, et al. **KEN FOREMAN, 2/14/20** Page 5 Page 7 1 THE COURT REPORTER: Sir, if you could 1 try to let me finish my entire question before you 2 raise your right hand for me, please; I need to 2 answer it. Okay? 3 3 administer an oath. A. Okay. 4 KEN FOREMAN. 4 Q. Is there any reason why you wouldn't be called as a witness by the Plaintiff, having been 5 5 able to testify truthfully today? 6 duly sworn or affirmed according to law, testified 6 A. No. 7 as follows: 7 Q. What's your date of birth? **DIRECT EXAMINATION** 8 8 Q. Are you currently employed? 9 BY MS. GURMANKIN 9 10 Q. Mr. Foreman, good afternoon. 10 A. Iam. 11 A. Good afternoon. 11 Q. Where? 12 Q. We just met a couple minutes ago. But 12 A. Shell Exploration and Production 13 for the record, my name is Caren Gurmankin, and I 13 Company. 14 have the privilege of representing Jesse Barnes in 14 Q. What is your current position? 15 15 a lawsuit that she has filed against Shell for sex A. Maintenance planner. 16 discrimination and retaliation. 16 Q. When did you start working at Shell? 17 Have you ever been deposed before 17 A. 2011. 18 today? 18 Q. What position were you hired into? 19 19 A. I have not. A. Maintenance scheduler. 20 Q. I'm going to ask you questions today. 20 Q. You started as a full-time employee. 21 If I ask you a question that you don't understand, 21 Correct? 2.2 22 I need you to tell me so I can rephrase it. Do A. That is correct. 23 you understand that? 23 Q. Had you worked previously as a 24 A. I do. 2.4 contractor, prior to 2011 at Shell? Page 8 Page 6 1 Q. If I ask you a question and you answer 1 A. I did not. 2 the question, I'm going to assume that you've 2 Q. How did you come to work at Shell? 3 understood my question and you have answered it 3 A. The company that I was working at got 4 accordingly. Do you understand that? 4 bought out by Shell. They bought -- bought the 5 5 A. I do. employees. Q. Even though this deposition is taking 6 6 Q. What company was that? 7 place in a conference room at a hotel, it has the 7 A. East Resources. 8 8 Q. So when that purchase happened, you same force and effect as if you were testifying in 9 9 a federal courtroom, in front of a federal judge became an employee of Shell? 10 10 and jury. 11 You have just taken an oath to tell the 11 Q. Have you worked at Shell consistently, since 2011 through today? 12 truth. If you cannot tell the truth, that's 12 13 considered perjury and that's a felony. Do you 13 A. I have. understand that? 14 14 Q. Prior to working at Shell, have you 15 15 A. I do. ever been terminated from any job? 16 Q. For the sake of the written transcript 16 A. I have not. 17 17 Q. Prior to working at Shell, have you which will result from this deposition, you need 18 to keep giving verbal responses to all of my 18 ever had a complaint brought against you, for any 19 reason, at any other employer? 19 questions, as you have been doing. Do you 20 understand that? 20 A. I have not.

Q. Prior to Shell, have you ever been

accused of any kind of harassment or

discrimination?

A. I have not.

21

22

23 24

	Page 9		Page 11
1	Q. Prior to Shell	1	relationship change?
2	A. I have not been accused, no.	2	A. He left and Tom Underholt became my
3	Q. Prior to Shell, have you ever been	3	boss.
4	accused of engaging in inappropriate conduct?	4	Q. What was Tom's position?
5	A. No, I have not.	5	A. The same as Matt's.
6	Q. Prior to Shell, have you ever been the	6	Q. Production supervisor?
7	subject of an investigation into your conduct?	7	A. Yep.
8	A. I have not.	8	Q. About how long did you report to
9	Q. Prior to Shell, have you ever been made	9	Underholt?
10	aware that there have been any complaints made	10	A. Two years.
11	about your conduct?	11	Q. So we're talking around, through 2016?
12	A. I have not, no.	12	A. Somewhere in that area.
13	Q. During the time that you worked at	13	Q. Then what happened?
14	Shell from when you were hired in 2011 as a	14	A. There was a reorganization of how
15	maintenance scheduler, about how long did you hold	15	maintenance was conducted, and production
16	that position?	16	supervisors took the production employees and we
17	A. I'm not exactly sure.	17	got a maintenance supervisor.
18	Q. Approximately?	18	Q. Who was that?
19	A. Four years. That's as close as I can	19	A. Will Turney.
20	guess.	20	Q. How long did you report to Turney?
21	Q. Understood. So sometime around 2015?	21	A. Until he moved on to a different
22	A. I would think so, yes.	22	position.
23	Q. What happened in 2015 to change your	23	Q. That was around the end of 2018?
24	position?	24	A. I whenever he left.
24	position:	24	A. 1 whenever he left.
	Page 10		Page 12
1	A. It was longer than that. I've only	1	Q. Was that before or after you became
2	been a planner for two years. So it was 2016,	2	planner?
3	'17.	3	A. I was planner for Will for a short
4	Q. So you went from maintenance scheduler	4	time.
5	to planner?	5	Q. So you were both scheduler and planner
6	A. I went from maintenance scheduler to		Q. 30 you were both scheduler and planner
		6	under Turney?
7	planner, yes.	6 7	•
7 8	planner, yes. Q. Was that a promotion?		under Turney?
		7	under Turney? A. Yes.
8	Q. Was that a promotion?	7 8	under Turney? A. Yes. Q. After Turney left at the end of 2018,
8 9	Q. Was that a promotion?A. No.	7 8 9	under Turney? A. Yes. Q. After Turney left at the end of 2018, who did you report to?
8 9 10	Q. Was that a promotion?A. No.Q. A lateral?	7 8 9 10	under Turney? A. Yes. Q. After Turney left at the end of 2018, who did you report to? A. Gary Wilson.
8 9 10 11	Q. Was that a promotion?A. No.Q. A lateral?A. Basically, a lateral move.	7 8 9 10 11	under Turney? A. Yes. Q. After Turney left at the end of 2018, who did you report to? A. Gary Wilson. Q. For about how long?
8 9 10 11 12	Q. Was that a promotion?A. No.Q. A lateral?A. Basically, a lateral move.Q. As a maintenance scheduler, who did you	7 8 9 10 11 12	under Turney? A. Yes. Q. After Turney left at the end of 2018, who did you report to? A. Gary Wilson. Q. For about how long? A. Until now. He's my boss.
8 9 10 11 12 13	Q. Was that a promotion?A. No.Q. A lateral?A. Basically, a lateral move.Q. As a maintenance scheduler, who did you report to?	7 8 9 10 11 12 13	under Turney? A. Yes. Q. After Turney left at the end of 2018, who did you report to? A. Gary Wilson. Q. For about how long? A. Until now. He's my boss. Q. His position?
8 9 10 11 12 13 14	Q. Was that a promotion?A. No.Q. A lateral?A. Basically, a lateral move.Q. As a maintenance scheduler, who did you report to?A. Initially?	7 8 9 10 11 12 13 14	under Turney? A. Yes. Q. After Turney left at the end of 2018, who did you report to? A. Gary Wilson. Q. For about how long? A. Until now. He's my boss. Q. His position? A. Maintenance supervisor.
8 9 10 11 12 13 14 15	 Q. Was that a promotion? A. No. Q. A lateral? A. Basically, a lateral move. Q. As a maintenance scheduler, who did you report to? A. Initially? Q. Let's start with that. 	7 8 9 10 11 12 13 14 15	under Turney? A. Yes. Q. After Turney left at the end of 2018, who did you report to? A. Gary Wilson. Q. For about how long? A. Until now. He's my boss. Q. His position? A. Maintenance supervisor. Q. Did he take over for Turney?
8 9 10 11 12 13 14 15	 Q. Was that a promotion? A. No. Q. A lateral? A. Basically, a lateral move. Q. As a maintenance scheduler, who did you report to? A. Initially? Q. Let's start with that. A. Matt Albanese. 	7 8 9 10 11 12 13 14 15	under Turney? A. Yes. Q. After Turney left at the end of 2018, who did you report to? A. Gary Wilson. Q. For about how long? A. Until now. He's my boss. Q. His position? A. Maintenance supervisor. Q. Did he take over for Turney? A. He did.
8 9 10 11 12 13 14 15 16	 Q. Was that a promotion? A. No. Q. A lateral? A. Basically, a lateral move. Q. As a maintenance scheduler, who did you report to? A. Initially? Q. Let's start with that. A. Matt Albanese. Q. His position? 	7 8 9 10 11 12 13 14 15 16 17	under Turney? A. Yes. Q. After Turney left at the end of 2018, who did you report to? A. Gary Wilson. Q. For about how long? A. Until now. He's my boss. Q. His position? A. Maintenance supervisor. Q. Did he take over for Turney? A. He did. Q. How did you come to get the position of
8 9 10 11 12 13 14 15 16 17	 Q. Was that a promotion? A. No. Q. A lateral? A. Basically, a lateral move. Q. As a maintenance scheduler, who did you report to? A. Initially? Q. Let's start with that. A. Matt Albanese. Q. His position? A. He was production supervisor, I 	7 8 9 10 11 12 13 14 15 16 17	under Turney? A. Yes. Q. After Turney left at the end of 2018, who did you report to? A. Gary Wilson. Q. For about how long? A. Until now. He's my boss. Q. His position? A. Maintenance supervisor. Q. Did he take over for Turney? A. He did. Q. How did you come to get the position of planner?
8 9 10 11 12 13 14 15 16 17 18	 Q. Was that a promotion? A. No. Q. A lateral? A. Basically, a lateral move. Q. As a maintenance scheduler, who did you report to? A. Initially? Q. Let's start with that. A. Matt Albanese. Q. His position? A. He was production supervisor, I believe. 	7 8 9 10 11 12 13 14 15 16 17 18	under Turney? A. Yes. Q. After Turney left at the end of 2018, who did you report to? A. Gary Wilson. Q. For about how long? A. Until now. He's my boss. Q. His position? A. Maintenance supervisor. Q. Did he take over for Turney? A. He did. Q. How did you come to get the position of planner? A. The planner that we had moved on to a
8 9 10 11 12 13 14 15 16 17 18 19 20	 Q. Was that a promotion? A. No. Q. A lateral? A. Basically, a lateral move. Q. As a maintenance scheduler, who did you report to? A. Initially? Q. Let's start with that. A. Matt Albanese. Q. His position? A. He was production supervisor, I believe. Q. About how long did you report to 	7 8 9 10 11 12 13 14 15 16 17 18 19 20	under Turney? A. Yes. Q. After Turney left at the end of 2018, who did you report to? A. Gary Wilson. Q. For about how long? A. Until now. He's my boss. Q. His position? A. Maintenance supervisor. Q. Did he take over for Turney? A. He did. Q. How did you come to get the position of planner? A. The planner that we had moved on to a different position. That job opened up. I put in
8 9 10 11 12 13 14 15 16 17 18 19 20 21	 Q. Was that a promotion? A. No. Q. A lateral? A. Basically, a lateral move. Q. As a maintenance scheduler, who did you report to? A. Initially? Q. Let's start with that. A. Matt Albanese. Q. His position? A. He was production supervisor, I believe. Q. About how long did you report to Albanese? 	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	under Turney? A. Yes. Q. After Turney left at the end of 2018, who did you report to? A. Gary Wilson. Q. For about how long? A. Until now. He's my boss. Q. His position? A. Maintenance supervisor. Q. Did he take over for Turney? A. He did. Q. How did you come to get the position of planner? A. The planner that we had moved on to a different position. That job opened up. I put in a bid, or a request for that position, and I won
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. Was that a promotion? A. No. Q. A lateral? A. Basically, a lateral move. Q. As a maintenance scheduler, who did you report to? A. Initially? Q. Let's start with that. A. Matt Albanese. Q. His position? A. He was production supervisor, I believe. Q. About how long did you report to Albanese? A. Three years. Probably about three 	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	under Turney? A. Yes. Q. After Turney left at the end of 2018, who did you report to? A. Gary Wilson. Q. For about how long? A. Until now. He's my boss. Q. His position? A. Maintenance supervisor. Q. Did he take over for Turney? A. He did. Q. How did you come to get the position of planner? A. The planner that we had moved on to a different position. That job opened up. I put in a bid, or a request for that position, and I won that bid.

Darries v.	Shell Exploration & Production Company Apparachia, et al.		KEN FOREWAN, 2/14/20
	Page 13		Page 15
1	Q. Did he leave Shell or just the group?	1	his testimony.
2	A. He left the group, initially, and now	2	MS. GURMANKIN: It's a question. Do
3	left Shell.	3	you need the question repeated or can you answer
4	Q. Do you know why he left the group?	4	it?
5	A. I'm not	5	MS. KIRKPATRICK: It's a
6	Q. Did you hear anything about why?	6	mischaracterization of his question (sic).
7	A. I think that he wanted the job that he	7	THE WITNESS: What was the question?
8	moved into.	8	BY MS. GURMANKIN
9	Q. Do you know what that was?	9	Q. You viewed the planner position that
10	A. Water coordinator, I believe, was the	10	you applied for when Skolny vacated it as more
11	position that he moved into.	11	desirable because it involved less computer time.
12	Q. And when did he leave Shell?	12	Right?
13	A. 2019, I believe.	13	MS. KIRKPATRICK: Objection.
14	Q. Do you know why?	14	Mischaracterization. He gave you the reasons.
15	A. A position at another company.	15	MS. GURMANKIN: You can answer.
16	Q. Do you know where?	16	MS. KIRKPATRICK: You can tell her
17	A. JKĽM.	17	again.
18	Q. All right. So when he left the group,	18	MS. GURMANKIN: You can answer my
19	his position became open?	19	question.
20	A. Yes.	20	THE WITNESS: I'm not understanding
21	Q. Was it posted?	21	what's going on here.
22	A. Yes.	22	MS. GURMANKIN: You need to answer the
23	Q. Did you apply for it?	23	question.
24	A. I did.	24	THE WITNESS: I wanted more freedom.
	Page 14		Page 16
1	Q. Did you interview?	1	BY MS. GURMANKIN
2	A. I did.	2	Q. The question was, you viewed the
3	Q. With whom?	3	planner position that you applied for when Skolny
4	A. Will Turney, I believe.	4	vacated it as more desirable because it involved
5	Q. And that was not a promotion for you.	5	less computer time than your scheduler position.
6	Correct?	6	Is that accurate?
7	A. It was not a promotion.	7	MS. KIRKPATRICK: Objection. Asked and
8	Q. Why did you want that position?	8	answered. He just said to you twice, it also gave
9	A. More freedom, more out of the office	9	him more freedom.
10	time.	10	MS. GURMANKIN: Is that accurate?
11	Q. Is that what you meant by more freedom?	11	MS. KIRKPATRICK: And allowed him out
12	A. Mostly. Yes.	12	of the office, as well.
13	Q. Anything else?	13	MS. GURMANKIN: Is that accurate?
14	A. No. I my eyes were tired of looking	14	MS. KIRKPATRICK: You can tell her
15	at a computer screen all the time, and this was	15	again.
16	much less computer screen time.	16	BY MS. GURMANKIN
17	 Q. So you viewed the planner position as 	17	Q. That you viewed it as more desirable
	more desirable because it involved less computer	18	because it involved less computer time?
18	more desirable because it involved less computer		NO KIDIO TOLOK OLI II TI II
18 19	time?	19	MS. KIRKPATRICK: Objection. That's
		19 20	not what he said.
19	time?		-
19 20	time? MS. KIRKPATRICK: Objection. More	20	not what he said. THE WITNESS: I wanted more freedom. BY MS. GURMANKIN:
19 20 21	time? MS. KIRKPATRICK: Objection. More freedom, more out of the office, he said.	20 21	not what he said. THE WITNESS: I wanted more freedom. BY MS. GURMANKIN: Q. Did you apply for the planner position
19 20 21 22	time? MS. KIRKPATRICK: Objection. More freedom, more out of the office, he said. MS. GURMANKIN: That wasn't my	20 21 22	not what he said. THE WITNESS: I wanted more freedom. BY MS. GURMANKIN:

	Page 17		Page 19
1			
1	desirable than your scheduler position?	1	A. That is correct.
2	MS. KIRKPATRICK: Objection. Asked and	2	Q. Have you applied for any other
3	answered. You can tell her.	3	positions, other than applying for the planner
4	MS. GURMANKIN: You can answer.	4	position that you are currently in?
5	MS. KIRKPATRICK: You can tell her	5	A. No.
6	again.	6	Q. During your time at Shell, from 2011
7	THE WITNESS: It was the job that I	7	through today, are you aware of any complaints
8	wanted. It was more freedom.	8	that have been made about your conduct?
9	BY MS. GURMANKIN	9	MS. KIRKPATRICK: Objection. Asked and
10	 Q. And you viewed that as more desirable 	10	answered.
11	because it involved more freedom. Right?	11	MS. GURMANKIN: No. I said before
12	MS. KIRKPATRICK: Objection. You can	12	Shell. Before. This is my question, during
13	tell her again.	13	Shell.
14	THE WITNESS: Yeah. And it's the job I	14	BY MS. GURMANKIN:
15	wanted.	15	Q. Are you aware of any complaints that
16	BY MS. GURMANKIN	16	have been made about your conduct during your
17	Q. That's why you applied for it. Right?	17	employment at Shell?
18	A. Right.	18	MS. KIRKPATRICK: Objection.
19	MS. KIRKPATRICK: Objection.	19	THE WITNESS: Just what we're involved
20	BY MS. GURMANKIN	20	with right now.
21	Q. Did you interview with anyone other	21	BY MS. GURMANKIN
22		22	
23	than Turney? A. I don't recall.	23	Q. The Jesse Barnes complaint?
			A. Yes.
24	Q. You only recall interviewing with him?	24	Q. How did you become aware that she made
	Page 18		Page 20
1	A (Witness nodded in the affirmative.)	1	complaints about your conduct?
2	Q. Yes?	2	A. I I got an e-mail that said that I
3	A. Yes.	3	was not supposed to get rid of any of the records
4	Q. And you understood that he was the	4	that pertained to Jesse Barnes on my computer and
5	hiring manager for that position?	5	on my phone and stuff like that. I don't know
6	A. He was hiring manager for that	6	what it's called. But that's how I became aware.
7		7	
	position, yes. Q. He made the decision to select you for		Q. When did you get that e-mail?
8	•	8	A. I don't know that.
9	that position?	9	Q. Do you recall the year?
10	A. Yes, he did.	10	A. Whenever it started. I have no,
11	Q. Do you know if anyone else interviewed?	11	I I would
12	A. I don't know.	12	MS. KIRKPATRICK: Don't assume or
13	Q. Do you know if anyone else applied?	13	guess.
14	A. I don't know.	14	THE WITNESS: I don't know.
15	Q. Did you receive an increase in	15	BY MS. GURMANKIN
16	compensation?	16	Q. You have no idea of the year that you
17	A. I did not.	17	got that e-mail?
18	Q. Other than less computer time, more	18	A. Not without assuming or guessing, no.
19	freedom, more time out of the office, any other	19	Q. What would be your best approximation?
20	changes from your scheduler position to the	20	A. 2017, 2018.
21	planner position that you held?	21	Q. Did that e-mail say that there have
22	A. No.	22	been complaints made about you?
23	Q. And you're still a planner. Is that	23	A. It did not.
24	correct?	24	Q. So what about that e-mail led you to be
			-

Page 21 Page 23 aware that there were complaints made about your 1 1 MS. KIRKPATRICK: Objection. 2 conduct? 2 MS. GURMANKIN: You can answer. 3 3 A. I don't know. I guess I just figured THE WITNESS: I have no reason to keep 4 that if there was a hold on the record that it 4 anything. When I got the e-mail, I figured there 5 5 involved me. was something about me. 6 Q. That you engaged in some sort of 6 BY MS. GURMANKIN: 7 misconduct? 7 Q. Had you done something wrong? 8 MS. KIRKPATRICK: Objection. 8 A. Not that I was aware of. 9 MS. GURMANKIN: Was that your 9 Q. So why would you assume, if you weren't 10 assumption? 10 doing anything wrong when you got the e-mail, that 11 MS. KIRKPATRICK: Objection. 11 it was about a complaint about you? THE WITNESS: No. That was not my 12 12 MS. KIRKPATRICK: Objection. Asked and 13 assumption. 13 answered, five times. You can tell her again. 14 BY MS. GURMANKIN: 14 THE WITNESS: Because I never received 15 15 Q. Okay. So what about the e-mail that an e-mail like that. I didn't know. 16 you received that led you to conclude that there 16 BY MS. GURMANKIN 17 were complaints made about your conduct? 17 Q. You didn't know what? 18 MS. KIRKPATRICK: Objection. Asked and 18 A. I didn't know why that I got had gotten 19 19 answered. that e-mail. 20 THE WITNESS: I don't know that I knew 20 Q. But you assumed when you got the e-mail that there was any complaints about my conduct. that it had to do with a complaint about you. Is 21 21 BY MS. GURMANKIN 22 22 that correct? Q. You testified a couple minutes ago that 23 MS. KIRKPATRICK: Objection. Asked and 23 24 you became aware that there were complaints made 24 answered. Five times. Six times, I think, now. Page 22 Page 24 1 about your conduct during your employment with 1 BY MS. GURMANKIN: 2 Shell because of the e-mail you received in 2017 2 Q. Is that correct? 3 or 2018, telling you you're not supposed to delete 3 MS. KIRKPATRICK: You can answer. You 4 any records from your e-mail or your phone. 4 can keep telling her. 5 5 THE WITNESS: I got an e-mail, and I Is that correct? 6 MS. KIRKPATRICK: Objection. You can 6 figured it had something to do with me because 7 answer. 7 they sent me the e-mail. 8 THE WITNESS: Yeah. That is what I 8 BY MS. GURMANKIN 9 9 testified to. Q. And you assumed they wouldn't have sent BY MS. GURMANKIN 10 10 you the e-mail unless there was a complaint about 11 Q. Is that true? 11 you? A. I think I just assumed that it was 12 12 MS. KIRKPATRICK: Objection. You can 13 about my conduct, now that I think about it. 13 tell her again. 14 Q. Why would you assume that? 14 THE WITNESS: Yes, that was my 15 15 MS. KIRKPATRICK: Objection. assumption. 16 THE WITNESS: Because they sent me an 16 BY MS. GURMANKIN: 17 17 e-mail that said I was supposed to keep all my Q. Was it based on anything or just your 18 records. So it led me to believe that there was 18 assumption? 19 something in my records that had something to do 19 MS. KIRKPATRICK: Objection. 20 THE WITNESS: It was just an with me. 20 21 BY MS. GURMANKIN 21 assumption. Q. Why would an e-mail like that make you 22 BY MS. GURMANKIN: 2.2 assume that there were complaints made about your 23 23 Q. Did you ask anyone why you got the 24 conduct? 24 e-mail?

	Page 25		Page 27
1	A. Said I wasn't allowed to talk to anyone	1	Q. Do you know when that was?
2	about it. So I did not talk to anyone about it.	2	A. I don't. Probably this is a
3	Q. Prior to you getting that e-mail, had	3	guess around 2013, 2014 timeframe.
4	you ever been aware that there was a complaint	4	Q. Did you ever hear rumors that Will
5	made about you, during your employment at Shell?	5	Turney and Robin Grouette had a relationship?
6	A. I never heard that there was a	6	A. I did not.
7	complaint about me.	7	Q. When did Tonya Williams become manager
8	Q. Since you've gotten that e-mail, has	8	of the asset?
9	anyone actually told you that there have been	9	A. She is leaving right now.
10	complaints made about you?	10	MS. KIRKPATRICK: The question wasn't
11	A. Yes. Shell's counsel.	11	whether she is leaving right now. Don't think out
12	Q. Other than that?	12	loud.
13	A. No Shell employees, no.	13	THE WITNESS: Okay. 2017, 2018 is my
14	Q. During your employment with Shell, did	14	guess, again.
15	you ever violate company policies?	15	BY MS. GURMANKIN
16	A. Not that I'm aware of.	16	Q. Did you ever show a TV show on your
17	Q. No one ever told you that?	17	computer in the office, an episode of South Park?
18	A. No one has ever told me that I did	18	A. No.
19	that.	19	Q. Did you watch that show?
20		20	A. Never.
21	Q. Did you ever violate the code of conduct?	21	
22		22	Q. Did you ever show any of your
23	MS. KIRKPATRICK: Objection. THE WITNESS: I I don't know. I	23	colleagues a TV show on your computer in the office?
24	don't think so.	24	A. A TV show?
24	don't tillik 50.	24	A. A IV SHOW!
	Page 26		Page 28
1	Page 26 BY MS. GURMANKIN	1	Page 28 Q. Um-hmm.
1 2		1 2	
	BY MS. GURMANKIN		Q. Um-hmm.
2	BY MS. GURMANKIN Q. Did anyone ever tell you that you did?	2	Q. Um-hmm. A. No.
2	BY MS. GURMANKIN Q. Did anyone ever tell you that you did? A. No one has ever told me that I violated	2 3	Q. Um-hmm.A. No.Q. How about a movie?
2 3 4	BY MS. GURMANKIN Q. Did anyone ever tell you that you did? A. No one has ever told me that I violated the code of conduct, no.	2 3 4	Q. Um-hmm.A. No.Q. How about a movie?A. No. I don't watch movies.
2 3 4 5	BY MS. GURMANKIN Q. Did anyone ever tell you that you did? A. No one has ever told me that I violated the code of conduct, no. Q. Have you ever been disciplined for any	2 3 4 5	Q. Um-hmm.A. No.Q. How about a movie?A. No. I don't watch movies.Q. Ever?
2 3 4 5 6	BY MS. GURMANKIN Q. Did anyone ever tell you that you did? A. No one has ever told me that I violated the code of conduct, no. Q. Have you ever been disciplined for any reason during your employment with Shell?	2 3 4 5 6	Q. Um-hmm.A. No.Q. How about a movie?A. No. I don't watch movies.Q. Ever?A. Rarely.
2 3 4 5 6 7	BY MS. GURMANKIN Q. Did anyone ever tell you that you did? A. No one has ever told me that I violated the code of conduct, no. Q. Have you ever been disciplined for any reason during your employment with Shell? A. No, I have not.	2 3 4 5 6 7	 Q. Um-hmm. A. No. Q. How about a movie? A. No. I don't watch movies. Q. Ever? A. Rarely. Q. When Tonya Williams became the
2 3 4 5 6 7 8	BY MS. GURMANKIN Q. Did anyone ever tell you that you did? A. No one has ever told me that I violated the code of conduct, no. Q. Have you ever been disciplined for any reason during your employment with Shell? A. No, I have not. Q. During your employment at Shell, have had you ever reported to a woman? A. Not directly.	2 3 4 5 6 7 8	 Q. Um-hmm. A. No. Q. How about a movie? A. No. I don't watch movies. Q. Ever? A. Rarely. Q. When Tonya Williams became the operations manager, did you say something to the effect of, she's a black female, laughing? A. Could you repeat that?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	BY MS. GURMANKIN Q. Did anyone ever tell you that you did? A. No one has ever told me that I violated the code of conduct, no. Q. Have you ever been disciplined for any reason during your employment with Shell? A. No, I have not. Q. During your employment at Shell, have had you ever reported to a woman? A. Not directly. Q. How about indirectly? A. Yes. Q. Who? A. Robin Grouette was the manager of our whole asset. And then Tonya Williams became the manager of our asset after that. Q. When was Robin Grouette the manager of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Um-hmm. A. No. Q. How about a movie? A. No. I don't watch movies. Q. Ever? A. Rarely. Q. When Tonya Williams became the operations manager, did you say something to the effect of, she's a black female, laughing? A. Could you repeat that? Q. Sure. When Tonya Williams was promoted to operations manager of the office, did you say something to the effect of she's a black female, laughing? A. No. Q. Did you think that she got that job, in part, based on her race?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	BY MS. GURMANKIN Q. Did anyone ever tell you that you did? A. No one has ever told me that I violated the code of conduct, no. Q. Have you ever been disciplined for any reason during your employment with Shell? A. No, I have not. Q. During your employment at Shell, have had you ever reported to a woman? A. Not directly. Q. How about indirectly? A. Yes. Q. Who? A. Robin Grouette was the manager of our whole asset. And then Tonya Williams became the manager of our asset after that. Q. When was Robin Grouette the manager of the asset?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Um-hmm. A. No. Q. How about a movie? A. No. I don't watch movies. Q. Ever? A. Rarely. Q. When Tonya Williams became the operations manager, did you say something to the effect of, she's a black female, laughing? A. Could you repeat that? Q. Sure. When Tonya Williams was promoted to operations manager of the office, did you say something to the effect of she's a black female, laughing? A. No. Q. Did you think that she got that job, in part, based on her race? A. No.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BY MS. GURMANKIN Q. Did anyone ever tell you that you did? A. No one has ever told me that I violated the code of conduct, no. Q. Have you ever been disciplined for any reason during your employment with Shell? A. No, I have not. Q. During your employment at Shell, have had you ever reported to a woman? A. Not directly. Q. How about indirectly? A. Yes. Q. Who? A. Robin Grouette was the manager of our whole asset. And then Tonya Williams became the manager of our asset after that. Q. When was Robin Grouette the manager of the asset? A. After Dave Summers left, I believe. I think he was the manager. I wasn't really familiar with the hierarchy at that time. It was	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Um-hmm. A. No. Q. How about a movie? A. No. I don't watch movies. Q. Ever? A. Rarely. Q. When Tonya Williams became the operations manager, did you say something to the effect of, she's a black female, laughing? A. Could you repeat that? Q. Sure. When Tonya Williams was promoted to operations manager of the office, did you say something to the effect of she's a black female, laughing? A. No. Q. Did you think that she got that job, in part, based on her race? A. No. Q. Did you think that she got that job, in part, based on her sex? A. No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MS. GURMANKIN Q. Did anyone ever tell you that you did? A. No one has ever told me that I violated the code of conduct, no. Q. Have you ever been disciplined for any reason during your employment with Shell? A. No, I have not. Q. During your employment at Shell, have had you ever reported to a woman? A. Not directly. Q. How about indirectly? A. Yes. Q. Who? A. Robin Grouette was the manager of our whole asset. And then Tonya Williams became the manager of our asset after that. Q. When was Robin Grouette the manager of the asset? A. After Dave Summers left, I believe. I think he was the manager. I wasn't really familiar with the hierarchy at that time. It was all new to me. But when Robin got to be the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Um-hmm. A. No. Q. How about a movie? A. No. I don't watch movies. Q. Ever? A. Rarely. Q. When Tonya Williams became the operations manager, did you say something to the effect of, she's a black female, laughing? A. Could you repeat that? Q. Sure. When Tonya Williams was promoted to operations manager of the office, did you say something to the effect of she's a black female, laughing? A. No. Q. Did you think that she got that job, in part, based on her race? A. No. Q. Did you think that she got that job, in part, based on her sex? A. No. Q. Any other females at Shell that you

	Page 29		Page 31
1	Q. During your employment at Shell, have	1	THE WITNESS: Whatever it was. I don't
2	you had any direct reports people reporting	2	know when it was.
3	directly to you?	3	BY MS. GURMANKIN
4	A. No.	4	Q. You said earlier you thought 2017,
5	Q. At some point, did you find out that	5	2018. Is that around the time that Priest called
6	Jesse Barnes had made complaints about anyone at	6	you?
7	Shell?	7	MS. KIRKPATRICK: He said she he
8	A. At some point, I did.	8	thought Priest called him in 2016.
9	Q. When? When is the first time?	9	MS. GURMANKIN: Right. And now I'm
10	A. Um, when I had to give an interview	10	asking a different question.
11	with, um, whoever the HR lady was, her name.	11	MS. KIRKPATRICK: Objection. No. You
12	Q. Megan Kloosterman?	12	are mischaracterizing the testimony.
13	A. No.	13	MS. GURMANKIN: It's a question. If
14	Q. Someone else?	14	you have an objection to the form, make it.
15	A. Yeah. Um, I think it was someone in	15	MS. KIRKPATRICK: It is a
16	HR.	16	mischaracterization.
17	Q. Do you know where she was from, which	17	BY MS. GURMANKIN:
18	office?	18	Q. Did Priest call you in 2017 or 2018,
19	A. I believe Houston.	19	around the time that you got the e-mail telling
20	Q. And how was	20	you not to delete records from your phone or
21	A. Michelle Priest.	21	e-mail?
22	Q. Michelle Priest. When was that?	22	MS. KIRKPATRICK: Objection. You can
23	A. 2016 would be my guess.	23	answer.
24	Q. Was that an in-person meeting?	24	THE WITNESS: Yes.
	Page 30		Page 32
1	Page 30	1	Page 32
1	A. No. It was on the telephone.	1	BY MS. GURMANKIN:
2	A. No. It was on the telephone.Q. She called you?	2	BY MS. GURMANKIN: Q. And that phone call from Priest, that's
2	A. No. It was on the telephone.Q. She called you?A. Yes.	2	BY MS. GURMANKIN: Q. And that phone call from Priest, that's the first time you became aware that there were
2 3 4	A. No. It was on the telephone.Q. She called you?A. Yes.Q. And what did you discuss?	2 3 4	BY MS. GURMANKIN: Q. And that phone call from Priest, that's the first time you became aware that there were allegations made against you?
2 3 4 5	A. No. It was on the telephone.Q. She called you?A. Yes.Q. And what did you discuss?A. That there was allegations against me.	2 3 4 5	BY MS. GURMANKIN: Q. And that phone call from Priest, that's the first time you became aware that there were allegations made against you? MS. KIRKPATRICK: Objection.
2 3 4 5 6	A. No. It was on the telephone.Q. She called you?A. Yes.Q. And what did you discuss?A. That there was allegations against me.Q. Anyone else?	2 3 4 5 6	BY MS. GURMANKIN: Q. And that phone call from Priest, that's the first time you became aware that there were allegations made against you? MS. KIRKPATRICK: Objection. MS. GURMANKIN: Right?
2 3 4 5 6 7	 A. No. It was on the telephone. Q. She called you? A. Yes. Q. And what did you discuss? A. That there was allegations against me. Q. Anyone else? A. No. We didn't discuss anyone else. 	2 3 4 5 6 7	BY MS. GURMANKIN: Q. And that phone call from Priest, that's the first time you became aware that there were allegations made against you? MS. KIRKPATRICK: Objection. MS. GURMANKIN: Right? MS. KIRKPATRICK: He said the e-mail
2 3 4 5 6 7 8	 A. No. It was on the telephone. Q. She called you? A. Yes. Q. And what did you discuss? A. That there was allegations against me. Q. Anyone else? A. No. We didn't discuss anyone else. Q. All right. So Priest calls you and 	2 3 4 5 6 7 8	BY MS. GURMANKIN: Q. And that phone call from Priest, that's the first time you became aware that there were allegations made against you? MS. KIRKPATRICK: Objection. MS. GURMANKIN: Right? MS. KIRKPATRICK: He said the e-mail made him aware.
2 3 4 5 6 7 8 9	 A. No. It was on the telephone. Q. She called you? A. Yes. Q. And what did you discuss? A. That there was allegations against me. Q. Anyone else? A. No. We didn't discuss anyone else. Q. All right. So Priest calls you and tells you that there's an allegation against you. 	2 3 4 5 6 7 8	BY MS. GURMANKIN: Q. And that phone call from Priest, that's the first time you became aware that there were allegations made against you? MS. KIRKPATRICK: Objection. MS. GURMANKIN: Right? MS. KIRKPATRICK: He said the e-mail made him aware. MS. GURMANKIN: All right.
2 3 4 5 6 7 8 9	 A. No. It was on the telephone. Q. She called you? A. Yes. Q. And what did you discuss? A. That there was allegations against me. Q. Anyone else? A. No. We didn't discuss anyone else. Q. All right. So Priest calls you and tells you that there's an allegation against you. Does she say who's making the allegation? 	2 3 4 5 6 7 8 9	BY MS. GURMANKIN: Q. And that phone call from Priest, that's the first time you became aware that there were allegations made against you? MS. KIRKPATRICK: Objection. MS. GURMANKIN: Right? MS. KIRKPATRICK: He said the e-mail made him aware. MS. GURMANKIN: All right. MS. KIRKPATRICK: You can answer.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. No. It was on the telephone. Q. She called you? A. Yes. Q. And what did you discuss? A. That there was allegations against me. Q. Anyone else? A. No. We didn't discuss anyone else. Q. All right. So Priest calls you and tells you that there's an allegation against you. Does she say who's making the allegation? A. I don't remember. Q. You don't remember, one way or the other? A. I don't remember what she said. I don't know if she said that or not. Q. Did she tell you about the nature of the allegation? A. I don't remember what was discussed, other than I know that she called me and it was around the time that I got the Q. The e-mail?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MS. GURMANKIN: Q. And that phone call from Priest, that's the first time you became aware that there were allegations made against you? MS. KIRKPATRICK: Objection. MS. GURMANKIN: Right? MS. KIRKPATRICK: He said the e-mail made him aware. MS. GURMANKIN: All right. MS. KIRKPATRICK: You can answer. BY MS. GURMANKIN Q. All right. Which was it, the e-mail or the call from Priest? A. I don't know what I thought. Q. The question wasn't what you thought, was either the e-mail I'm sorry, the phone call from Priest or the e-mail telling you you are not supposed to delete, um, stuff from your e-mail or phone, was that one of the first times you became aware that there were complaints made about you? A. Could you ask that one more time? MS. GURMANKIN: Sure. Let me ask it

Barnes v. Shell Exploration & Production Company Appalachia, et al. **KEN FOREMAN, 2/14/20** Page 33 Page 35 Q. You and -- I'm sorry. Go ahead. 1 BY MS. GURMANKIN: 1 2 Q. The call from Priest, that was the 2 A. Michelle and I, yes. 3 first time that anyone had communicated to you, in 3 Q. About a year after the initial call? A. Sometime around that timeframe. 4 any way, that there were allegations made against 4 5 you. Is that correct? 5 Q. And that second call, about a year 6 A. I don't know if that's correct. 6 after the initial call, is also with Michelle 7 Q. Okay. When do you think the first time 7 Priest? 8 may have been that you became aware that there 8 9 9 were allegations made against you, that anyone Q. And what do you discuss in that second 10 communicated that to you? 10 call? 11 A. She said that her thought was that I 11 A. Without knowing what the e-mail said, 12 or what she said, allegations against me, I'm not 12 had not done anything wrong, and that was about 13 13 14 Q. You testified that Priest told you in 14 Q. Okay. Anything else you recall her 15 15 that phone call that there were allegations made saying in that second phone call, other than her against you. Is that right? 16 thought was that you had not done anything wrong? 16 A. She definitely did. 17 17 A. No. 18 Q. And you testified that the e-mail that 18 Q. Did she tell you how she reached that 19 19 you got that told you that you weren't supposed to conclusion? 20 delete stuff from your phone or e-mail did not say 20 A. She did not. 21 that there were complaints or allegations made 21 Q. And in the approximately one-year 22 against you. Is that right? 22 period between the initial phone call, when she 23 A. I think that was just the records hold. 23 tells you that there have been allegations made 24 Q. Okay. So is the first time that anyone 24 against you, and the second phone call about a Page 34 Page 36 1 communicates to you that there have been 1 year later, when she tells you her thought was you 2 2 allegations made against you was the phone call had not done anything wrong, did you communicate 3 from Priest? 3 with anyone from Shell about the allegations? 4 A. I believe that to be true. 4 A. I did not. 5 5 Q. After that second phone call with Q. Okay. And you don't remember anything 6 else that was said in that phone call, other than 6 Michelle Priest, and when she tells you that her 7 her telling you that there were allegations made 7 thought was that you had not done anything wrong, 8 up through today, and excluding the lawyers, have 8 against you. Is that right? 9 A. Yeah. I don't remember what all we 9 you communicated with anyone at Shell about the 10 allegations that Priest told you had been made 10 discussed. 11 Q. You don't remember anything else, other 11 against you? 12 12 than that. Is that right? A. I have not. 13 A. I don't remember what we discussed, no. 13 Q. Before Priest called you on the first 14 Q. Other than her telling you that there's 14 time, to tell you that there had been allegations 15 made against you, had you talked to her before 15 been allegations made against you?

A. Right. Q. Do you have any other conversations with Michelle Priest about the allegations that she said were made against you, other than that initial phone call in which she tells you that there are allegations? A. There was a time six months, or maybe

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even a year later, where we had another conversation.

about anything? MS. KIRKPATRICK: Ever about anything? MS. GURMANKIN: Yeah. THE WITNESS: (Nodded in the affirmative.) BY MS. GURMANKIN:

Q. Okay. You communicated with her about -- is that a yes?

A. That is a yes.

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Page 37 Page 39 BY MS. GURMANKIN: 1 Q. You communicated with her about HR 1 2 issues? 2 Q. Sure. When you testified a few minutes 3 3 A. Yes. ago that the only conversations you had with 4 Q. Any complaints or allegations against 4 anyone at Shell, other than the lawyers, about the 5 you? 5 allegations that had been made against you were 6 A. No. 6 those two conversations with Michelle Priest, that 7 Q. Other than Michelle Priest, did you --7 was not true testimony, was it? 8 8 and the lawyers, did you ever speak with anyone MS. KIRKPATRICK: Objection. THE WITNESS: I don't understand what 9 9 else at Shell, at any time, about the allegations 10 that have been made against you? 10 you're asking. 11 A. No. 11 BY MS. GURMANKIN Q. Did you ever learn that Jesse Barnes 12 Q. You also testified that you spoke --12 13 had made complaints about your conduct? 13 you just testified that you had a conversation 14 A. Yes. 14 with Megan Kloosterman about the allegations that 15 15 Q. Okay. How did you learn that? have been made against you. Correct? 16 A. Michelle Kloosterman. 16 A. I did. Q. Megan Kloosterman? 17 Q. When I asked you earlier if you had had 17 18 A. Megan, Megan. Yep. 18 communications with anyone about the allegations 19 Q. When was that? 19 that had been made against you, other than the two 20 A. When she came to the office and 20 phone calls with Michelle Priest, why did you say 21 interviewed me. that was it? 21 Q. When was that, in connection with the 22 22 MS. KIRKPATRICK: Objection. 23 23 initial phone call from Michelle Priest, when she MS. GURMANKIN: You can answer. 24 tells you there have been allegations made against 24 THE WITNESS: Isn't Megan a lawyer for Page 38 Page 40 1 you, and the second phone call from Priest about a 1 Shell? 2 2 year later, when she tells you her thought was BY MS. GURMANKIN: 3 that you had not done anything wrong? 3 Q. Do you think she's a lawyer? 4 MS. KIRKPATRICK: Objection. 4 A. I did. 5 MS. GURMANKIN: You can answer. 5 Q. Is that what your understanding was 6 THE WITNESS: I don't know what 6 when you spoke with her? 7 chronological order it was in. 7 A. I thought she was some type of counsel, 8 BY MS. GURMANKIN: 8 yes. Q. So why did you just testify a couple 9 Q. You have no idea where the conversation 9 10 with Kloosterman happened? 10 minutes ago that you had, in fact, talked to her? 11 MS. KIRKPATRICK: Objection. You can 11 A. I said that I had talked to Shell 12 tell her again, if you are not sure what the 12 counsel. 13 chronological order was. 13 Q. But you didn't actually. Is that your THE WITNESS: I'm not sure. 14 14 testimony now? BY MS. GURMANKIN 15 15 MS. KIRKPATRICK: Objection. 16 Q. All right. So when you testified that 16 THE WITNESS: I guess I don't 17 17 you hadn't talked to anyone at Shell, excluding understand your question. 18 the lawyers, other than the two phone calls with 18 BY MS. GURMANKIN 19 Michelle Priest about the allegations that had 19 Q. Okay. You had two conversations with 20 been made about you, that was not true testimony. 20 Michelle Priest about a year apart about the Correct? 21 21 allegations that had been made against you. 22 MS. KIRKPATRICK: Objection. 22 Correct? 23 A. Yes. THE WITNESS: Ask that again. 23 24 24 Q. And you also, at some point, are now

	Page 41		Page 43
1	saying you had a conversation with Megan	1	A. Yes.
2	Kloosterman about the allegations that have been	2	Q. And there was the initial phone call
3	made against you. Correct?	3	from Priest when she tells you there's been
4	MS. KIRKPATRICK: Objection.	4	allegations made against you, and then after that,
5	BY MS. GURMANKIN	5	you met with Kloosterman?
6	Q. Yes?	6	A. Yes.
7	A. Yes.	7	Q. Do you recall how soon those two
8	Q. Other than the two phone calls with	8	conversations were?
9	Michelle Priest and the conversation with Megan	9	A. There was, I believe, months in
10	Kloosterman, anyone else that you spoke with at	10	between.
11	Shell about the allegations that had been made	11	Q. Did anyone tell you why?
12	against you?	12	A. Why?
13	MS. KIRKPATRICK: Other than counsel.	13	Q. There was a delay of months in between.
14	THE WITNESS: No.	14	MS. KIRKPATRICK: Objection. To delay.
15	BY MS. GURMANKIN	15	THE WITNESS: No.
16	Q. Where did you get the impression that	16	BY MS. GURMANKIN
17	, ,	17	
	Megan Kloosterman was a lawyer? A. I don't know. She sounded like a		Q. Tell me what you recall about your
18		18	meeting with Kloosterman.
19	lawyer when she was asking me questions, I guess.	19	A. She asked me a bunch of questions.
20	Q. Why?	20	Q. Do you recall any?
21	A. Because she was asking me questions and	21	A. No. I don't recall exactly what the
22	writing stuff down. Just sounded like a lawyer.	22	question was, no.
23	Q. Is it possible that that was after the	23	Q. Did you think that you were meeting
24	conversation with Priest, in which she told you	24	with her based on the phone call from Priest,
	Daga 42		Daga 44
	Page 42		Page 44
1	that her thought was that you had not done	1	saying that there were allegations made against
2	anything wrong?	2	you?
3	A. It's possible. I I don't know.	3	MS. KIRKPATRICK: Objection.
4	Q. The Kloosterman conversation, was that	4	MS. GURMANKIN: You can answer.
5	over the phone or in person?	5	MS. KIRKPATRICK: You can answer.
6	A. In person.	6	THE WITNESS: Yes, I did.
7	Q. Where was that?	7	BY MS. GURMANKIN
8	A. In the room 130.	8	Q. Based on your assumption or from what
9	Q. In Wellsboro?	9	someone told you?
10	A. Yes.	10	MS. KIRKPATRICK: Objection.
11	Q. How did it come about that you met with	11	THE WITNESS: That was my assumption.
12	Kloosterman?	12	There was when I got to meet with her, it was
13	A. I was somehow directed.	13	the same subject.
14	Q. By whom?	14	BY MS. GURMANKIN
15	A. I don't know that.	15	Q. When you met with her, did she tell you
16	Q. Prior to the meeting with Kloosterman,	16	that there were allegations made against you?
17	did you know that there had been any allegations	17	A. I don't know that.
18	made against you?	18	Q. You don't recall?
19	A. Ask that question again, please.	19	A. No.
20	Q. Sure. Prior to the meeting with	20	Q. Did she tell you why she was meeting
21	Kloosterman, had you been made aware that there	21	with you?
22	were allegations made against you?	22	A. That there was an investigation.
23	A. Yes. From Michelle Priest.	23	Q. Okay. Did she say about what?
24	Q. The initial phone call?	24	A. I don't know that.

	Page 45		Page 47
1	Q. You don't remember?	1	Q. Did you see any documentation from your
2	A. I don't.	2	meeting with Kloosterman, before you were
3	Q. At any point during the meeting with	3	preparing for your deposition?
4	Kloosterman, did she tell you what her	4	A. No.
5	investigation was about?	5	Q. Did you review this when you saw it in
6	A. I don't know that, either.	6	preparation for your deposition?
7	Q. Did you understand from the meeting	7	A. I did.
8	that part of what she was investigating were the	8	Q. Did it look completely accurate?
9	allegations about you?	9	A. Umm, I thought it was accurate, yes.
10	A. Ask that again, please.	10	Q. When you reviewed it, was there
11	Q. Sure. Did you understand from the	11	anything that you thought was not included in the
12	meeting with her that part of what she was	12	document that you recall from the meeting?
13	investigating were the allegations made against	13	A. No.
14	you?	14	Q. Let's look at the first page. It says
15	A. It seemed that way, yes.	15	the date was 12/7/2016. Is that when you recall
16	Q. Based on the questions she was asking?	16	the meeting happening?
17	A. Yes.	17	A. I know it was cold. So that would make
18	Q. How long was the meeting with her?	18	sense.
19	A. I don't know. Half an hour or	19	Q. You are not disputing that it happened
20	something. I'm guessing.	20	around that time?
21	MS. KIRKPATRICK: We don't want you to	21	A. No. It was cold. That day it was
22	guess.	22	cold.
23	BY MS. GURMANKIN	23	Q. All right. In the introduction, do you
24	Q. That's your best approximation?	24	see the bullet points under that, the five bullet
	Page 46		Page 48
			1 4 3 6 1 6
1	A. My best approximation would be	1	points under that?
1 2	somewhere around a half an hour.	1 2	points under that? A. I am reading that, yes.
			points under that? A. I am reading that, yes. Q. And you read them when you were looking
2	somewhere around a half an hour. Q. Did you take any notes of the meeting? A. I did not.	2	points under that? A. I am reading that, yes. Q. And you read them when you were looking at this document in preparation for your
2	somewhere around a half an hour. Q. Did you take any notes of the meeting? A. I did not. Q. Did you document the meeting in any way	2	points under that? A. I am reading that, yes. Q. And you read them when you were looking at this document in preparation for your deposition?
2 3 4	somewhere around a half an hour. Q. Did you take any notes of the meeting? A. I did not.	2 3 4	points under that? A. I am reading that, yes. Q. And you read them when you were looking at this document in preparation for your deposition? A. I did.
2 3 4 5	somewhere around a half an hour. Q. Did you take any notes of the meeting? A. I did not. Q. Did you document the meeting in any way after it was over? A. I did not.	2 3 4 5	points under that? A. I am reading that, yes. Q. And you read them when you were looking at this document in preparation for your deposition? A. I did. Q. There is nowhere in here that she says
2 3 4 5 6	somewhere around a half an hour. Q. Did you take any notes of the meeting? A. I did not. Q. Did you document the meeting in any way after it was over?	2 3 4 5 6	points under that? A. I am reading that, yes. Q. And you read them when you were looking at this document in preparation for your deposition? A. I did. Q. There is nowhere in here that she says she told you that there were allegations against
2 3 4 5 6 7	somewhere around a half an hour. Q. Did you take any notes of the meeting? A. I did not. Q. Did you document the meeting in any way after it was over? A. I did not. Q. And you don't remember any questions she asked you?	2 3 4 5 6 7	points under that? A. I am reading that, yes. Q. And you read them when you were looking at this document in preparation for your deposition? A. I did. Q. There is nowhere in here that she says she told you that there were allegations against you that they were investigating. Right?
2 3 4 5 6 7 8	somewhere around a half an hour. Q. Did you take any notes of the meeting? A. I did not. Q. Did you document the meeting in any way after it was over? A. I did not. Q. And you don't remember any questions she asked you? A. I do not.	2 3 4 5 6 7 8	points under that? A. I am reading that, yes. Q. And you read them when you were looking at this document in preparation for your deposition? A. I did. Q. There is nowhere in here that she says she told you that there were allegations against
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2 3 4 5 6 7 8 9 10 11	somewhere around a half an hour. Q. Did you take any notes of the meeting? A. I did not. Q. Did you document the meeting in any way after it was over? A. I did not. Q. And you don't remember any questions she asked you? A. I do not. Q. Were they about the allegations that were made against you?	2 3 4 5 6 7 8 9 10 11 12	points under that? A. I am reading that, yes. Q. And you read them when you were looking at this document in preparation for your deposition? A. I did. Q. There is nowhere in here that she says she told you that there were allegations against you that they were investigating. Right? A. I don't recall reading that. I don't know, though. Q. Well, take a look. I'm just talking
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	somewhere around a half an hour. Q. Did you take any notes of the meeting? A. I did not. Q. Did you document the meeting in any way after it was over? A. I did not. Q. And you don't remember any questions she asked you? A. I do not. Q. Were they about the allegations that were made against you? A. I don't know. Q. You don't remember? A. No. Q. All right. Showing up on your screen should be what has been previously marked as Exhibit 22. Have you seen this document before? A. I have. Q. Did you see it in preparation for your deposition?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	points under that? A. I am reading that, yes. Q. And you read them when you were looking at this document in preparation for your deposition? A. I did. Q. There is nowhere in here that she says she told you that there were allegations against you that they were investigating. Right? A. I don't recall reading that. I don't know, though. Q. Well, take a look. I'm just talking about the bullet points under the introduction. A. I don't see where she says there is any allegations. Q. You don't recall her saying that in the meeting; you just took that from the questions she was asking you. Is that correct? A. I believe, yes. Q. At the time that this meeting is dated, 12/7/2016, you were in the planner position.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	somewhere around a half an hour. Q. Did you take any notes of the meeting? A. I did not. Q. Did you document the meeting in any way after it was over? A. I did not. Q. And you don't remember any questions she asked you? A. I do not. Q. Were they about the allegations that were made against you? A. I don't know. Q. You don't remember? A. No. Q. All right. Showing up on your screen should be what has been previously marked as Exhibit 22. Have you seen this document before? A. I have. Q. Did you see it in preparation for your deposition? A. I have.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	points under that? A. I am reading that, yes. Q. And you read them when you were looking at this document in preparation for your deposition? A. I did. Q. There is nowhere in here that she says she told you that there were allegations against you that they were investigating. Right? A. I don't recall reading that. I don't know, though. Q. Well, take a look. I'm just talking about the bullet points under the introduction. A. I don't see where she says there is any allegations. Q. You don't recall her saying that in the meeting; you just took that from the questions she was asking you. Is that correct? A. I believe, yes. Q. At the time that this meeting is dated, 12/7/2016, you were in the planner position. Correct?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	somewhere around a half an hour. Q. Did you take any notes of the meeting? A. I did not. Q. Did you document the meeting in any way after it was over? A. I did not. Q. And you don't remember any questions she asked you? A. I do not. Q. Were they about the allegations that were made against you? A. I don't know. Q. You don't remember? A. No. Q. All right. Showing up on your screen should be what has been previously marked as Exhibit 22. Have you seen this document before? A. I have. Q. Did you see it in preparation for your deposition? A. I have. Q. Did you see it prior to that?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	points under that? A. I am reading that, yes. Q. And you read them when you were looking at this document in preparation for your deposition? A. I did. Q. There is nowhere in here that she says she told you that there were allegations against you that they were investigating. Right? A. I don't recall reading that. I don't know, though. Q. Well, take a look. I'm just talking about the bullet points under the introduction. A. I don't see where she says there is any allegations. Q. You don't recall her saying that in the meeting; you just took that from the questions she was asking you. Is that correct? A. I believe, yes. Q. At the time that this meeting is dated, 12/7/2016, you were in the planner position. Correct? A. I don't know that for sure.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	somewhere around a half an hour. Q. Did you take any notes of the meeting? A. I did not. Q. Did you document the meeting in any way after it was over? A. I did not. Q. And you don't remember any questions she asked you? A. I do not. Q. Were they about the allegations that were made against you? A. I don't know. Q. You don't remember? A. No. Q. All right. Showing up on your screen should be what has been previously marked as Exhibit 22. Have you seen this document before? A. I have. Q. Did you see it in preparation for your deposition? A. I have.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	points under that? A. I am reading that, yes. Q. And you read them when you were looking at this document in preparation for your deposition? A. I did. Q. There is nowhere in here that she says she told you that there were allegations against you that they were investigating. Right? A. I don't recall reading that. I don't know, though. Q. Well, take a look. I'm just talking about the bullet points under the introduction. A. I don't see where she says there is any allegations. Q. You don't recall her saying that in the meeting; you just took that from the questions she was asking you. Is that correct? A. I believe, yes. Q. At the time that this meeting is dated, 12/7/2016, you were in the planner position. Correct?

Page 49 1 one, it says, "Describe your current role and 1 Do you remember saying that to 2 responsibilities." And your answer, according to 2 Kloosterman?	Page 51
2 responsibilities." And your answer, according to 2 Kloosterman?	
3 her notes is, "Role just changed. Was the 3 A. I don't remember but	
4 scheduler and now the maintenance planner." 4 Q. But you're not disputing?	
5 Do you see that? 5 A. True.	
6 A. Yes, I do. 6 Q. What did you mean when you s	aid spats
7 Q. Do you agree, as of this time, you were 7 do erupt now and then, if someone says	s the wrong
8 the maintenance planner? 8 thing and it's not taken how it's meant?	
9 A. Yes. 9 A. There's a lot of passion around	the
10 Q. Do you recall how soon it was, prior to 10 work that we do, and people sometimes	take things
this, that you became the maintenance planner?	
12 A. I said my role just changed, so it was 12 Q. Who were the people that some	etimes took
13 just prior to that. 13 things the wrong way?	
14 Q. You said "I put the 14 A. Members of our group.	
parts/time/resources on the job, and the scheduler 15 Q. Who?	
16 picks a day. Interface with everybody, very 16 A. All of us have mistook different	
17 outgoing and talk to everyone." 17 Q. Names?	
18 That's your description of yourself. 18 A. Well, myself. So it would have t	peen
19 Right? In your planner job. 19 Matt Skolny, prior to this, Jesse, and Da	an would
20 A. It is. 20 have been there at the same time. Dan	Krise.
Q. By the way, who got the scheduler 21 Q. So that's not all of the people w	ho
position that you vacated? 22 were direct reports of Will at the time. F	Right?
23 A. Umm, Jeremy Greene. 23 A. Ask that again.	
Q. Did you have any involvement in his 24 Q. Sure. You said all of us when I	asked
Page 50	Page 52
1 being chosen to fill your position? 1 you who were you referring to who sai	d the wrona
2 A. I did not. 2 thing and who took it the wrong way, y	-
3 Q. Did you know that Jesse applied for 3 of us. And then, you said specifically	
4 that position? 4 Skolny, Jesse and Dan Krise.	
5 A. I don't know if she did or didn't. 5 That's not all of Will's direct	
6 Q. Did you know anyone who applied? 6 reports. Right?	
7 A. I knew that Jeremy did. 7 A. That's not all of Will's direct	
8 Q. Did you know of anyone else? 8 reports.	
9 A. I don't I don't know. 9 Q. So it wasn't all of you. Right?	
10 Q. Were you asked any feedback about 10 MS. KIRKPATRICK: Objection	
11 Jeremy for that position? 11 THE WITNESS: It was the ground	up that I
12 A. No. I was not involved with the 12 worked with.	
13 Interview at all. 13 BY MS. GURMANKIN:	
14 Q. All right. So question number two, 14 Q. Right. But not all of Turney's o	direct
15 "Describe the work environment and human dynamics 15 reports?	
16 in your immediate team; i.e., direct reports to 16 MS. KIRKPATRICK: He didn't	-
17 Will." 17 Turney's direct reports. He said his gr	oup.
18 And your answer, according to 18 Explain it to her.	
19 Kloosterman's notes, "I have worked in way worse 19 BY MS. GURMANKIN:	
20 teams. It's not bad. I really don't think it's 20 Q. That's not all of Turney's direct	t
bad. We are like a family. Spats do erupt now 21 reports. Right?	
and then. If someone says the wrong thing and 22 MS. KIRKPATRICK: Objection	-
DO BYANG OUDMANIEN	
23 it's not taken how it's meant." 23 BY MS. GURMANKIN: 24 I'll stop there for a sec. 23 BY MS. GURMANKIN: 24 Q. You, Skolny, Jesse and Krise?	,

Page 53 Page 55 MS. KIRKPATRICK: Objection. You can 1 1 BY MS. GURMANKIN: 2 explain it to her. 2 Q. You can't remember anything you 3 3 THE WITNESS: It's the group of us that mentioned in connection with yourself. Right? 4 worked together planning, scheduling, maintenance. MS. KIRKPATRICK: Objection. 4 5 BY MS. GURMANKIN: 5 MS. GURMANKIN: Right? 6 Q. Right. And my question was, Turney had 6 THE WITNESS: That is true. 7 direct reports other than you, Skolny, Jesse and 7 BY MS. GURMANKIN 8 8 Dan Krise. Right? Q. Matt Skolny, you just testified to an 9 9 A. I didn't hear you ask that. But yes, example of what you meant, in terms of Skolny. 10 he does. 10 Right? 11 11 Q. What did Jesse take in a way that MS. KIRKPATRICK: Objection. 12 BY MS. GURMANKIN: 12 wasn't meant the way that she took it? 13 13 MS. KIRKPATRICK: Objection. Q. Anything else with Skolny? MS. KIRKPATRICK: Objection. 14 THE WITNESS: I can't think of any 14 15 THE WITNESS: Not that I recall. 15 example. 16 BY MS. GURMANKIN 16 BY MS. GURMANKIN: 17 Q. What did you take in a way that was not 17 Q. How about Krise? 18 MS. KIRKPATRICK: Objection. 18 meant the way it was said? 19 MS. KIRKPATRICK: Objection. 19 THE WITNESS: I don't recall anything 20 20 THE WITNESS: I don't recall anything with him, either. 21 BY MS. GURMANKIN PROOF -check exh 21 right now. 22 Q. You go on to say, "As far as a negative BY MS. GURMANKIN 22 23 vibe, I don't know it at all. I would describe it 23 Q. How about Skolny? MS. KIRKPATRICK: Objection. 24 in three words, semi-professional, we could do 24 Page 54 Page 56 1 BY MS. GURMANKIN: 1 better, but there is worse out there." 2 2 I'll stop there. What did you mean Q. You can answer. 3 A. When I was the scheduler and he was the 3 when you told Kloosterman that we could do better? 4 planner, I was asking for work, asking for his 4 A. We were all learning our job. There's 5 5 a process. Then we were all learning that process work product. And he got mad at me because he 6 said there was plenty of work. And there was not 6 and we were getting better at it as we were 7 plenty of work planned, in my opinion. 7 learning it. 8 8 Q. What did you mean when you said Q. Anything else regarding your statement 9 to Kloosterman that if someone says the wrong 9 semi-professional? 10 A. That we weren't as good at the process 10 thing and it's not taken how it's meant, in 11 connection with Matt Skolny? 11 as we could be. 12 12 A. I'm sorry. Ask that again, please. Q. Who are you talking about? 13 Q. Sure. You told Kloosterman that spats 13 A. All -- the whole group of us. Q. Is that all of Turney's direct reports? 14 do erupt now and then if someone says the wrong 14 15 A. Not all of Will's direct reports 15 thing and it's not taken how it's meant. I asked 16 you who you were referring to. You said yourself, 16 include the names that I just mentioned. 17 Matt Skolny, Jesse Barnes and Dan Krise. 17 Q. You, Krise, Skolny and Jesse? 18 You couldn't remember anything that you 18 A. Yes. 19 Q. And as of this date, 12/7/2016, Skolny meant in connection with Jesse. Right? 19 20 20 MS. KIRKPATRICK: Objection. is out of the group. Right? 21 A. If I'm the planner, yes, he is. 21 MS. GURMANKIN: Right? MS. KIRKPATRICK: Objection. 2.2 Q. So are you just talking about you, 22 Jesse and Dan Krise? 23 THE WITNESS: Right. 23 A. Yeah, I would say at that point I was. 2.4 24

	Page 57		Page 59
1	Q. You go on to say, according to her	1	supervision?
2	notes, "The people in the office are one team, and	2	A. Yes.
3	the people are another team in the field."	3	Q. Next sentence, "I can identify issues."
4	Who are the people in the office that	4	What are you talking about?
5	you are referring to?	5	A. I knew where improvements could be made
6	A. The names that we just went over.	6	in the maintenance process that weren't being
7	Q. You, Krise and Jesse?	7	made.
8	A. And then Jeremy Greene.	8	Q. "Know what to do. Don't need a lot of
9	Q. As the scheduler?	9	guidance." Are you referring to yourself there?
10	A. Yes.	10	A. I am.
11	Q. Who are the people that are on the	11	Q. "It is our goal to teach Will how to do
12	other team in the field?	12	our jobs. He doesn't know the details." What did
13	A. That would be the skill tradesmen in	13	you mean by that?
14	the field.	14	A. That SAP is a program, and Will was not
15		15	SAP savvy at all.
	Q. And who did they report to, at this time?	16	•
16	A. Will.		Q. Anything else that he wasn't savvy about?
17		17	
18	Q. About how many?	18	A. I don't know that.
19	A. Ten. That's about I just don't	19	Q. Well, anything else you were referring
20	know. I'll say ten.	20	to?
21	Q. Sure. All male?	21	A. No. That is reference to SAP.
22	A. No.	22	Q. If you go to the second paragraph,
23	Q. How many women?	23	under number three. "Jesse, she received my
24	A. I don't know at this time. He had a	24	product when I was a scheduler." What does that
	Page 58		Page 60
1	bigger team at one point. So I don't know how	1	mean?
2	sigger team at one point. So I don't know now		
	many people there was at this point. But I would		
	many people there was at this point. But I would	2	A. So the process the maintenance
3	say at this point, he probably still had women	2	A. So the process the maintenance process work is identified, and it is planned, and
3 4	say at this point, he probably still had women working for him in the field.	2 3 4	A. So the process the maintenance process work is identified, and it is planned, and then is scheduled. The field guys do the work.
3 4 5	say at this point, he probably still had women working for him in the field. Q. Who?	2 3 4 5	A. So the process the maintenance process work is identified, and it is planned, and then is scheduled. The field guys do the work. And then Jesse closes the work out. So there was
3 4 5 6	say at this point, he probably still had women working for him in the field. Q. Who? A. I would think that it was April. And I	2 3 4 5 6	A. So the process the maintenance process work is identified, and it is planned, and then is scheduled. The field guys do the work. And then Jesse closes the work out. So there was a group of people in between, but my schedule, she
3 4 5 6 7	say at this point, he probably still had women working for him in the field. Q. Who? A. I would think that it was April. And I don't know the other girl's name. It was a woman	2 3 4 5 6 7	A. So the process the maintenance process work is identified, and it is planned, and then is scheduled. The field guys do the work. And then Jesse closes the work out. So there was a group of people in between, but my schedule, she was responsible for closing out. So the product
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	say at this point, he probably still had women working for him in the field. Q. Who? A. I would think that it was April. And I don't know the other girl's name. It was a woman who her name is eluding me right now. Q. Okay. If you think of it later, let me know. And that's April Heater? A. Yes. Q. Let's go to question three, on page one. Exhibit 22. "Describe your working relationship with Will Turney and Jesse Barnes. Will, fine, easy to get ahold of. He understands real life." What does that mean, he understands real life? A. Umm, I had take some time off and he was very understanding of it and allowed me to do that. Q. Next sentence, "We have	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. So the process the maintenance process work is identified, and it is planned, and then is scheduled. The field guys do the work. And then Jesse closes the work out. So there was a group of people in between, but my schedule, she was responsible for closing out. So the product of my work went to her. Q. You worked with her in that capacity when you were a scheduler? A. Yes. Q. And you worked with her when you were a planner, as well? A. Yes. Q. In what capacity? A. Similar. Q. So you say, according to Kloosterman's notes, "She is a different girl. She is super smart." What did you mean by she is a different girl, she is super smart? A. She is very driven to get ahead and do well.

Page 61 Page 63 in the field: not she's a different girl, she is 1 A. There's a lot of people that don't 1 2 really do well in the maintenance field, and she 2 super smart? 3 MS. KIRKPATRICK: Objection. 3 did well in the maintenance field. She was THE WITNESS: Well, I was referring to 4 learning. She was really doing well. 4 5 Q. Is that what you meant when you said 5 Jesse. 6 she was a different girl? 6 BY MS. GURMANKIN: 7 A. Yeah. 7 Q. Right. So why didn't you say Jesse 8 8 Q. When you said there are people that does well in the field? Why did you put it as 9 don't do well in the maintenance field, are you 9 she's a different girl, she's super smart, if what 10 talking about women? 10 you were trying to express was she does well in 11 A. There's lots of people that don't do --11 the field? 12 12 we lost a lot of employees because they didn't do MS. KIRKPATRICK: Objection. 13 well. 13 Mischaracterization and asked and answered. You 14 Q. Men and women? 14 can tell her again. You can keep repeating it. 15 15 THE WITNESS: Ask it again, please. A. Men and women, yes. 16 16 BY MS. GURMANKIN: Q. Which women? 17 Q. Sure. Why didn't you say to 17 A. I can't think of her name. It's the 18 same -- it's the same lady, I can't think of her 18 Kloosterman something to the effect of what you 19 19 name. It will come to me. are saying now, which is Jesse does well in the 2.0 Q. Any other women? 20 field? Why did you phrase it to Kloosterman as 21 A. I believe she was the only one that was 21 she's a different girl, she is super smart? 22 22 on our team. MS. KIRKPATRICK: Objection. 23 23 Q. Any men that didn't do well in the Mischaracterization and asked and answered. 24 maintenance field? 24 THE WITNESS: One more time. Page 62 Page 64 1 A. Yes. 1 BY MS. GURMANKIN: 2 Q. Who? 2 Q. Sure. Why didn't you phrase to 3 A. He got fired. I can't think of his 3 Kloosterman what you are saying today, which is 4 4 what you meant was that Jesse does well in the name. 5 5 field and she is driven? Why did you, instead, Q. Any others? 6 A. Yeah, that's all I can think of. 6 say it as she's a different girl, she is super 7 Q. Why did you say that Jesse is a 7 smart? 8 different -- or she is a different girl, she is 8 MS. KIRKPATRICK: Objection. 9 super smart, as opposed to saying she is different 9 THE WITNESS: I don't know why I said 10 because she did well, or she does well, in the 10 it that wav. 11 maintenance field? 11 BY MS. GURMANKIN: 12 12 MS. KIRKPATRICK: Objection. He said Q. Okay. Do you think that women are not 13 she is driven to get ahead and to do well. 13 as smart as men? 14 BY MS. GURMANKIN 14 A. No. I do not. Q. So when you said to Kloosterman that 15 Q. Why didn't you say that to Kloosterman? 15 Jesse is a different girl, she is super smart, did 16 Why did you say she is a different girl, she is 16 17 17 super smart? you mean that she is super smart because she's a 18 MS. KIRKPATRICK: Objection. 18 girl? MS. KIRKPATRICK: Objection. 19 THE WITNESS: Because she was not --19 THE WITNESS: I did not. 20 like I said, a lot of people don't excel in the 20 field and she was different. BY MS. GURMANKIN: 21 21 BY MS. GURMANKIN: 2.2 Q. Why did you call her a girl instead of 22 23 Q. Well, why didn't you say to 23 a woman? Kloosterman, she is different because she did well 24 A. Because I was referring to her, to

	Page 65		Page 67
1	Jess.	1	know why I characterized it with the stereotype.
2	Q. And you refer to her as a girl?	2	Q. Any explanation for that?
3	A. It looks like I did, yes.	3	A. I don't have one, no.
4	Q. Why?	4	Q. But that doesn't make sense, given your
5	A. Because she's the same age as my son,	5	testimony that the stereotype you referred to is
6	and that's what I thought.	6	that people who do not have maintenance
7	Q. Did you refer to any male employees at	7	experience, a lot of times, when they get into
8	Shell, who are the same age as your son, as boy?	8	maintenance, they have trouble performing. Right?
9	A. Yes.	9	MS. KIRKPATRICK: Objection.
10	Q. Who?	10	THE WITNESS: So what was the question?
11	A. Lynn Dowd's son.	11	BY MS. GURMANKIN:
12	Q. Who?	12	Q. Sure. Your testimony that the
13	A. Justin.	13	stereotype you were referring to is that people
14	Q. Dowd?	14	that do not have maintenance experience, a lot of
15	A. Yes.	15	times when they get into maintenance, they have
16	Q. Anyone else?	16	trouble performing; the rest of what you told
17	A. That's all I can think of.	17	Kloosterman, she is surprisingly smart, doesn't
18	Q. Justin Dowd worked at Shell?	18	make sense, does it?
19	A. Still does.	19	MS. KIRKPATRICK: Objection. It makes
20	Q. Next sentence. "If you go with	20	perfect sense.
21	stereotypes, she is surprisingly smart." What	21	THE WITNESS: Yeah. It does.
22	stereotypes were you talking about?	22	MS. GURMANKIN: Please don't testify.
23	A. Someone not having any maintenance	23	THE WITNESS: What?
24	experience. People that have maintenance	24	MS. GURMANKIN: I'm talking to your
1	Page 66 experience are or people that don't have	1	Page 68 lawyer.
2	maintenance experience, a lot of times, don't do	2	MS. KIRKPATRICK: Please don't
3	well in maintenance.	3	mischaracterize the testimony.
4	Q. That's the stereotype you were	4	MS. GURMANKIN: What's your answer to
5	referring to?	5	the question?
6	A. Yes, ma'am.	6	MS. KIRKPATRICK: We don't need to know
7	Q. The stereotype that people with	7	your opinion. Go ahead. You can answer the
8	maintenance experience don't always do well in	8	question. You can explain it again.
9	maintenance?	9	THE WITNESS: She is very driven.
10	MS. KIRKPATRICK: Objection.	10	BY MS. GURMANKIN:
11	THE WITNESS: People that do not have	11	Q. How does this sentence that Kloosterman
12	maintenance experience, a lot of times when they	12	says you said, "If you go with stereotypes, she is
13	get into maintenance have trouble with performing	13	surprisingly smart"; how does the second part, she
14	maintenance.	14	is surprisingly smart, make sense in light of your
15	BY MS. GURMANKIN:	15	testimony that the stereotype you were referring
16	Q. And that's the stereotype that you	16	to was that people that do not have maintenance
17	referenced here?	17	experience, a lot of times when they get into
18	A. Yes, ma'am.	18 19	maintenance, they have trouble performing?
19 20	Q. But why did you say after that that Jesse is surprisingly smart? If you go with	20	Can you explain that to me? MS. KIRKPATRICK: Objection. He
21	stereotypes, she is surprisingly smart, what does	21	already said she was driven and did well.
22	that mean?	22	THE WITNESS: Yeah, that's just it.
23	A. I'm not sure that that is exactly	23	BY MS. GURMANKIN
24	what I said. She is surprisingly smart. I don't	24	Q. What's just it? Your lawyer doesn't
	gy omaid i don't	-	

	5		5 71
	Page 69		Page 71
1	testify. You do.	1	Q. Um-hmm.
2	Can you explain to me how what you told	2	A. Two.
3	Kloosterman, that Jesse is surprisingly smart,	3	Q. April Heater is one?
4	makes sense, in light of your testimony about what	4	A. She was a direct report to Will.
5	you meant by stereotype?	5	Q. Who were you talking about, the women
6	MS. KIRKPATRICK: Objection.	6	who worked in the maintenance field at Shell?
7	THE WITNESS: She is super smart. She	7	MS. KIRKPATRICK: Objection. You can
8	is driven to get ahead.	8	answer.
9	BY MS. GURMANKIN	9	THE WITNESS: So Wendy Barnes and Jesse
10	Q. How does that make sense, in light of	10	Barnes were the two in the maintenance field.
11	your testimony about what you meant when you	11	BY MS. GURMANKIN
12	referred to the stereotype then?	12	Q. Those are the two that you were
13	MS. KIRKPATRICK: Objection. That was	13	referring to?
14	the same question. You can tell her again.	14	A. Yes.
15	THE WITNESS: Yes. She is driven to	15	Q. And how many men have you seen work in
16	get ahead.	16	the maintenance field during your employment at
17	BY MS. GURMANKIN	17	Shell from 2011 through 2016, when you were having
18	Q. Why did you say she is surprisingly	18	this meeting with Kloosterman?
19	smart?	19	A. Approximately ten.
20	MS. KIRKPATRICK: Objection.	20	Q. Have you heard the stereotype that men
21	THE WITNESS: I don't know why I said	21	will do better in the maintenance field than
22	that.	22	women?
23	BY MS. GURMANKIN	23	A. I have not heard that, no.
24	Q. No explanation?	24	Q. Do you believe that?
	Q. No explanation:		Q. Do you bollove that.
	Page 70		Page 72
1	A. No.	1	A. I've seen women excel in the
2	Q. Have you heard of the stereotype that	2	maintenance field. No, I don't believe that.
3	men are smarter than women?	3	Q. Is that what you are referring to here,
4	A. Say that again, please.	4	when you said stereotypes?
5	Q. Sure. Have you ever heard the	5	MS. KIRKPATRICK: Objection. You can
6	stereotype that men are smarter than women?	6	answer.
7	A. Have I heard of that stereotype?	7	THE WITNESS: No.
8	Q. Sure.	8	BY MS. GURMANKIN
9	A. I don't know if I have or haven't.	9	Q. As of December of 2016, did you think
10	Q. Do you believe that?	10	there was any woman who was smarter than you?
11	MS. KIRKPATRICK: Objection.	11	A. Is there ask that again.
12	THE WITNESS: No, I don't believe that.	12	Q. Sure. As of December 2016, did you
13	MS. KIRKPATRICK: Asked and answered.	13	think there was any woman who was smarter than you
14	BY MS. GURMANKIN:	14	were?
15	Q. That's what you meant when you referred	15	A. Yes, I do.
	to stereotypes here, isn't it?	16	Q. Who?
16		1 1	
16 17		17	A. Lots of women.
	MS. KIRKPATRICK: Objection.	17 18	A. Lots of women. Q. Who?
17	MS. KIRKPATRICK: Objection. THE WITNESS: It is not, no.	18	Q. Who?
17 18 19	MS. KIRKPATRICK: Objection. THE WITNESS: It is not, no. BY MS. GURMANKIN	18 19	Q. Who? MS. KIRKPATRICK: At Shell or in his
17 18 19 20	MS. KIRKPATRICK: Objection. THE WITNESS: It is not, no. BY MS. GURMANKIN Q. In your experience at Shell, from 2011	18 19 20	Q. Who? MS. KIRKPATRICK: At Shell or in his whole life?
17 18 19 20 21	MS. KIRKPATRICK: Objection. THE WITNESS: It is not, no. BY MS. GURMANKIN Q. In your experience at Shell, from 2011 to the time of this interview in December of 2016,	18 19 20 21	Q. Who? MS. KIRKPATRICK: At Shell or in his whole life? BY MS. GURMANKIN:
17 18 19 20 21 22	MS. KIRKPATRICK: Objection. THE WITNESS: It is not, no. BY MS. GURMANKIN Q. In your experience at Shell, from 2011 to the time of this interview in December of 2016, how many women had you seen work in the	18 19 20 21 22	Q. Who? MS. KIRKPATRICK: At Shell or in his whole life? BY MS. GURMANKIN: Q. No. As of December 2016, did you think
17 18 19 20 21 22 23	MS. KIRKPATRICK: Objection. THE WITNESS: It is not, no. BY MS. GURMANKIN Q. In your experience at Shell, from 2011 to the time of this interview in December of 2016, how many women had you seen work in the maintenance field at Shell?	18 19 20 21 22 23	Q. Who? MS. KIRKPATRICK: At Shell or in his whole life? BY MS. GURMANKIN: Q. No. As of December 2016, did you think there was any woman smarter than you were?
17 18 19 20 21 22	MS. KIRKPATRICK: Objection. THE WITNESS: It is not, no. BY MS. GURMANKIN Q. In your experience at Shell, from 2011 to the time of this interview in December of 2016, how many women had you seen work in the	18 19 20 21 22	Q. Who? MS. KIRKPATRICK: At Shell or in his whole life? BY MS. GURMANKIN: Q. No. As of December 2016, did you think

	Page 73		Page 75
1	Q. Who?	1	offended by things that are not meant to be
2	A. There's lots.	2	offensive. What were you referring to?
3	Q. Who?	3	MS. KIRKPATRICK: Objection. Asked and
4	 A. Condoleezza Rice is one that comes to 	4	answered. He just told you. You can tell her
5	mind.	5	again.
6	Q. Did you know her personally?	6	THE WITNESS: It was the way the work
7	A. I do not.	7	progressed through the system, that's what she
8	Q. Why don't we start with people that you	8	would get mad about sometimes.
9	know personally?	9	BY MS. GURMANKIN
10	A. My wife.	10	Q. She was offended by the way that the
11	Q. Anyone else?	11	work progressed through the system?
12	A. My mom.	12	MS. KIRKPATRICK: Objection.
13	Q. Anyone else?	13	MS. GURMANKIN: You can answer.
14	A. This is 2016. Robin Grouette.	14	THE WITNESS: Different times I would
15	Q. Anyone else at Shell?	15	say, yes.
16	A. I think there was there's lots of	16	BY MS. GURMANKIN:
17	women who are smarter than me at Shell.	17	Q. What about the way that the work
18	Q. Anyone else, other than Robin Grouette?	18	progressed through the system was she offended by?
19	A. Yes. But I can't she doesn't work	19	MS. KIRKPATRICK: Objection. He also
20	for us now, and I can't think of her name.	20	said the way work was handled.
21	Q. Okay. If you think of it later, let me	21	THE WITNESS: It's who was involved
22	know. Anyone else?	22	with the process of getting work through the
23	A. I'm going to say no.	23	system.
24	 Q. Did you think that women did not belong 	24	
	Page 74		Page 76
1			
1	in the field at a company like Shell?	1	BY MS. GURMANKIN:
2	in the field at a company like Shell? A. No. I thought exactly opposite of	1 2	Q. Anything else?
	A. No. I thought exactly opposite of that.		Q. Anything else?A. Not that I can think of.
2	A. No. I thought exactly opposite of that. Q. Did you think that women didn't belong	2 3 4	Q. Anything else?A. Not that I can think of.Q. What was she offended by about who was
2	A. No. I thought exactly opposite of that. Q. Did you think that women didn't belong in maintenance positions at Shell?	2 3 4 5	Q. Anything else?A. Not that I can think of.Q. What was she offended by about who was involved with the process of getting work through
2 3 4 5 6	A. No. I thought exactly opposite of that.Q. Did you think that women didn't belong in maintenance positions at Shell?A. I did not.	2 3 4 5 6	Q. Anything else?A. Not that I can think of.Q. What was she offended by about who was involved with the process of getting work through the system?
2 3 4 5 6 7	 A. No. I thought exactly opposite of that. Q. Did you think that women didn't belong in maintenance positions at Shell? A. I did not. Q. Let's go back to the bottom paragraph 	2 3 4 5 6 7	Q. Anything else?A. Not that I can think of.Q. What was she offended by about who was involved with the process of getting work through the system?A. I know that there was times where she
2 3 4 5 6 7 8	A. No. I thought exactly opposite of that. Q. Did you think that women didn't belong in maintenance positions at Shell? A. I did not. Q. Let's go back to the bottom paragraph of page one of Exhibit 22, you go on to say,	2 3 4 5 6 7 8	Q. Anything else? A. Not that I can think of. Q. What was she offended by about who was involved with the process of getting work through the system? A. I know that there was times where she was mad at me for helping progress work through
2 3 4 5 6 7 8 9	A. No. I thought exactly opposite of that. Q. Did you think that women didn't belong in maintenance positions at Shell? A. I did not. Q. Let's go back to the bottom paragraph of page one of Exhibit 22, you go on to say, "She" meaning Jesse "gets offended by things	2 3 4 5 6 7 8	 Q. Anything else? A. Not that I can think of. Q. What was she offended by about who was involved with the process of getting work through the system? A. I know that there was times where she was mad at me for helping progress work through the system.
2 3 4 5 6 7 8 9	A. No. I thought exactly opposite of that. Q. Did you think that women didn't belong in maintenance positions at Shell? A. I did not. Q. Let's go back to the bottom paragraph of page one of Exhibit 22, you go on to say, "She" meaning Jesse "gets offended by things that are not meant to be offensive."	2 3 4 5 6 7 8 9	 Q. Anything else? A. Not that I can think of. Q. What was she offended by about who was involved with the process of getting work through the system? A. I know that there was times where she was mad at me for helping progress work through the system. Q. Anything else?
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2 3 4 5 6 7 8 9 10 11 12	A. No. I thought exactly opposite of that. Q. Did you think that women didn't belong in maintenance positions at Shell? A. I did not. Q. Let's go back to the bottom paragraph of page one of Exhibit 22, you go on to say, "She" meaning Jesse "gets offended by things that are not meant to be offensive." What are you talking about? A. When we were talking about the work	2 3 4 5 6 7 8 9 10 11 12	Q. Anything else? A. Not that I can think of. Q. What was she offended by about who was involved with the process of getting work through the system? A. I know that there was times where she was mad at me for helping progress work through the system. Q. Anything else? A. Not that I recall. Q. How many times did that happen?
2 3 4 5 6 7 8 9 10 11 12 13	A. No. I thought exactly opposite of that. Q. Did you think that women didn't belong in maintenance positions at Shell? A. I did not. Q. Let's go back to the bottom paragraph of page one of Exhibit 22, you go on to say, "She" meaning Jesse "gets offended by things that are not meant to be offensive." What are you talking about? A. When we were talking about different things	2 3 4 5 6 7 8 9 10 11 12 13	Q. Anything else? A. Not that I can think of. Q. What was she offended by about who was involved with the process of getting work through the system? A. I know that there was times where she was mad at me for helping progress work through the system. Q. Anything else? A. Not that I recall. Q. How many times did that happen? A. I recall one time, for sure.
2 3 4 5 6 7 8 9 10 11 12 13	A. No. I thought exactly opposite of that. Q. Did you think that women didn't belong in maintenance positions at Shell? A. I did not. Q. Let's go back to the bottom paragraph of page one of Exhibit 22, you go on to say, "She" meaning Jesse "gets offended by things that are not meant to be offensive." What are you talking about? A. When we were talking about the work process, she would get mad about different things or be offended by different things.	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Anything else? A. Not that I can think of. Q. What was she offended by about who was involved with the process of getting work through the system? A. I know that there was times where she was mad at me for helping progress work through the system. Q. Anything else? A. Not that I recall. Q. How many times did that happen? A. I recall one time, for sure. Q. Any others?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. No. I thought exactly opposite of that. Q. Did you think that women didn't belong in maintenance positions at Shell? A. I did not. Q. Let's go back to the bottom paragraph of page one of Exhibit 22, you go on to say, "She" meaning Jesse "gets offended by things that are not meant to be offensive." What are you talking about? A. When we were talking about the work process, she would get mad about different things or be offended by different things. Q. What? A. I don't know. The way our work was handled, as far as the way orders progressed	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Anything else? A. Not that I can think of. Q. What was she offended by about who was involved with the process of getting work through the system? A. I know that there was times where she was mad at me for helping progress work through the system. Q. Anything else? A. Not that I recall. Q. How many times did that happen? A. I recall one time, for sure. Q. Any others? A. Not that I recall. Q. When was the one time? A. When we were dealing with some people
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. No. I thought exactly opposite of that. Q. Did you think that women didn't belong in maintenance positions at Shell? A. I did not. Q. Let's go back to the bottom paragraph of page one of Exhibit 22, you go on to say, "She" meaning Jesse "gets offended by things that are not meant to be offensive." What are you talking about? A. When we were talking about the work process, she would get mad about different things or be offended by different things. Q. What? A. I don't know. The way our work was handled, as far as the way orders progressed through the system, and she would be upset	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Anything else? A. Not that I can think of. Q. What was she offended by about who was involved with the process of getting work through the system? A. I know that there was times where she was mad at me for helping progress work through the system. Q. Anything else? A. Not that I recall. Q. How many times did that happen? A. I recall one time, for sure. Q. Any others? A. Not that I recall. Q. When was the one time? A. When we were dealing with some people in Calgary and I was talking with them, and she
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. No. I thought exactly opposite of that. Q. Did you think that women didn't belong in maintenance positions at Shell? A. I did not. Q. Let's go back to the bottom paragraph of page one of Exhibit 22, you go on to say, "She" meaning Jesse "gets offended by things that are not meant to be offensive." What are you talking about? A. When we were talking about the work process, she would get mad about different things or be offended by different things. Q. What? A. I don't know. The way our work was handled, as far as the way orders progressed through the system, and she would be upset sometimes when it was just business that was	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Anything else? A. Not that I can think of. Q. What was she offended by about who was involved with the process of getting work through the system? A. I know that there was times where she was mad at me for helping progress work through the system. Q. Anything else? A. Not that I recall. Q. How many times did that happen? A. I recall one time, for sure. Q. Any others? A. Not that I recall. Q. When was the one time? A. When we were dealing with some people in Calgary and I was talking with them, and she thought that she should have been the person that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. No. I thought exactly opposite of that. Q. Did you think that women didn't belong in maintenance positions at Shell? A. I did not. Q. Let's go back to the bottom paragraph of page one of Exhibit 22, you go on to say, "She" meaning Jesse "gets offended by things that are not meant to be offensive." What are you talking about? A. When we were talking about the work process, she would get mad about different things or be offended by different things. Q. What? A. I don't know. The way our work was handled, as far as the way orders progressed through the system, and she would be upset sometimes when it was just business that was progressing through the system.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Anything else? A. Not that I can think of. Q. What was she offended by about who was involved with the process of getting work through the system? A. I know that there was times where she was mad at me for helping progress work through the system. Q. Anything else? A. Not that I recall. Q. How many times did that happen? A. I recall one time, for sure. Q. Any others? A. Not that I recall. Q. When was the one time? A. When we were dealing with some people in Calgary and I was talking with them, and she thought that she should have been the person that was talking to them.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. No. I thought exactly opposite of that. Q. Did you think that women didn't belong in maintenance positions at Shell? A. I did not. Q. Let's go back to the bottom paragraph of page one of Exhibit 22, you go on to say, "She" meaning Jesse "gets offended by things that are not meant to be offensive." What are you talking about? A. When we were talking about the work process, she would get mad about different things or be offended by different things. Q. What? A. I don't know. The way our work was handled, as far as the way orders progressed through the system, and she would be upset sometimes when it was just business that was progressing through the system. Q. What would she be upset about?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Anything else? A. Not that I can think of. Q. What was she offended by about who was involved with the process of getting work through the system? A. I know that there was times where she was mad at me for helping progress work through the system. Q. Anything else? A. Not that I recall. Q. How many times did that happen? A. I recall one time, for sure. Q. Any others? A. Not that I recall. Q. When was the one time? A. When we were dealing with some people in Calgary and I was talking with them, and she thought that she should have been the person that was talking to them. Q. When did this happen?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. No. I thought exactly opposite of that. Q. Did you think that women didn't belong in maintenance positions at Shell? A. I did not. Q. Let's go back to the bottom paragraph of page one of Exhibit 22, you go on to say, "She" meaning Jesse "gets offended by things that are not meant to be offensive." What are you talking about? A. When we were talking about the work process, she would get mad about different things or be offended by different things. Q. What? A. I don't know. The way our work was handled, as far as the way orders progressed through the system, and she would be upset sometimes when it was just business that was progressing through the system. Q. What would she be upset about? A. I'm not sure. But I do remember it	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Anything else? A. Not that I can think of. Q. What was she offended by about who was involved with the process of getting work through the system? A. I know that there was times where she was mad at me for helping progress work through the system. Q. Anything else? A. Not that I recall. Q. How many times did that happen? A. I recall one time, for sure. Q. Any others? A. Not that I recall. Q. When was the one time? A. When we were dealing with some people in Calgary and I was talking with them, and she thought that she should have been the person that was talking to them. Q. When did this happen? A. Prior to this meeting.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. No. I thought exactly opposite of that. Q. Did you think that women didn't belong in maintenance positions at Shell? A. I did not. Q. Let's go back to the bottom paragraph of page one of Exhibit 22, you go on to say, "She" meaning Jesse "gets offended by things that are not meant to be offensive." What are you talking about? A. When we were talking about the work process, she would get mad about different things or be offended by different things. Q. What? A. I don't know. The way our work was handled, as far as the way orders progressed through the system, and she would be upset sometimes when it was just business that was progressing through the system. Q. What would she be upset about? A. I'm not sure. But I do remember it happening.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Anything else? A. Not that I can think of. Q. What was she offended by about who was involved with the process of getting work through the system? A. I know that there was times where she was mad at me for helping progress work through the system. Q. Anything else? A. Not that I recall. Q. How many times did that happen? A. I recall one time, for sure. Q. Any others? A. Not that I recall. Q. When was the one time? A. When we were dealing with some people in Calgary and I was talking with them, and she thought that she should have been the person that was talking to them. Q. When did this happen? A. Prior to this meeting. Q. How soon?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. No. I thought exactly opposite of that. Q. Did you think that women didn't belong in maintenance positions at Shell? A. I did not. Q. Let's go back to the bottom paragraph of page one of Exhibit 22, you go on to say, "She" meaning Jesse "gets offended by things that are not meant to be offensive." What are you talking about? A. When we were talking about the work process, she would get mad about different things or be offended by different things. Q. What? A. I don't know. The way our work was handled, as far as the way orders progressed through the system, and she would be upset sometimes when it was just business that was progressing through the system. Q. What would she be upset about? A. I'm not sure. But I do remember it	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Anything else? A. Not that I can think of. Q. What was she offended by about who was involved with the process of getting work through the system? A. I know that there was times where she was mad at me for helping progress work through the system. Q. Anything else? A. Not that I recall. Q. How many times did that happen? A. I recall one time, for sure. Q. Any others? A. Not that I recall. Q. When was the one time? A. When we were dealing with some people in Calgary and I was talking with them, and she thought that she should have been the person that was talking to them. Q. When did this happen? A. Prior to this meeting.

Page 77 Page 79 1 Q. What were you talking to the people in 1 not to do it anymore. 2 Calgary about? 2 BY MS. GURMANKIN 3 A. About functional location. 3 Q. Was it shared workload until the time that you talked to the people in Calgary? 4 Q. Functional what? 4 5 A. Location. 5 MS. KIRKPATRICK: Objection. He said 6 Q. Was Jesse right? Should she have been 6 it was shared workload until the time she told him 7 talking to them instead of you? 7 not to do it anymore. I'm not going to let you 8 A. It was shared workload, so no. 8 mischaracterize his testimony. 9 9 Q. And how did she express her upset? MS. GURMANKIN: Answer the question. 10 A. She said that it was her job and I 10 THE WITNESS: It was shared workload 11 wasn't supposed to do it. 11 until Jesse told me not to do it anymore. 12 Q. Was she offended? 12 BY MS. GURMANKIN: 13 A. She was. 13 Q. Does she determine what the workload Q. Okay. How did she express that? 14 14 was and who did what? Was that her job? 15 15 A. This job right here was part of her job A. That she was -- I could tell by her 16 16 demeanor. that she was learning, and I had done it for many 17 Q. What about it? 17 years. And she thought, at this point, that she A. That she was mad. And she asked me 18 18 was able to do it without my help. 19 19 never to do it anymore. Q. Okay. So it was her job as of the time 20 Q. What did you say? 20 that you are having this communication with the 21 A. I said okay, and I didn't do it 21 people in Calgary; it was part of Jesse's job. 22 anymore. 22 Right? 23 Q. Why didn't you explain that it was 23 MS. KIRKPATRICK: Objection. He said 24 shared workload? 24 it was job sharing. Page 78 Page 80 1 A. To that point it had been. 1 MS. GURMANKIN: Right? 2 2 THE WITNESS: It was also part of my Q. Did it stop at that point? 3 A. It did. 3 job at the same time. 4 Q. As of the moment after you talked to 4 BY MS. GURMANKIN: the people in Calgary, it stopped being shared 5 5 Q. Were you a scheduler or a planner at 6 workload? 6 the time? 7 MS. KIRKPATRICK: Objection. The 7 A. When she said this, I think I was a 8 moment she told him to not do it anymore is what 8 scheduler. 9 Q. Okay. So the issue that you are he said. 9 10 THE WITNESS: Yeah. That is the way it 10 talking with people in Calgary about, was that 11 11 part of your scheduler job at the time? is. 12 12 BY MS. GURMANKIN MS. KIRKPATRICK: Objection. He said 13 Q. You need to actually answer the 13 it was shared job duties. You can tell her again. THE WITNESS: It was shared job duties. 14 auestion. 14 BY MS. GURMANKIN: 15 MS. KIRKPATRICK: He is answering the 15 16 16 Q. So that means it was part of your job question. 17 17 and it was also part of Jesse's job. Is that what MS. GURMANKIN: No, he is not. Do you 18 need it repeated? 18 that means? MS. KIRKPATRICK: Objection. 19 THE WITNESS: Yes. 19 THE WITNESS: That is what it means. 20 BY MS. GURMANKIN 20 Q. It was shared workload as of the time 21 BY MS. GURMANKIN: 21 Q. Okay. So when Jesse tells you that she 22 you were talking to the people in Calgary? 22 MS. KIRKPATRICK: Objection. He said 23 23 can handle it, she doesn't need your help anymore, it was shared workload until the time she told him then you say that basically it will no longer be 2.4

	Daga 01		Dama 02
	Page 81		Page 83
1	part of your job?	1	when you became the planner?
2	MS. KIRKPATRICK: Objection. She said	2	A. No.
3	he wasn't supposed to do it. You mischaracterized	3	Q. Anything else that you meant when you
4	his testimony again. But you can answer.	4	told Kloosterman that Jesse gets offended by
5	THE WITNESS: What was the question	5	things that are not meant to be offensive?
6	again?	6	A. Not that I can think of.
7	BY MS. GURMANKIN	7	Q. Did you actually tell Kloosterman that
8	 Q. She finds out that you talked to the 	8	it was plural things, in other words, that Jesse
9	people in Calgary. Right?	9	gets offended by things, plural, that are not
10	A. She is listening to me talk to them,	10	meant to be offensive, or did you say singular?
11	yes.	11	A. I don't know.
12	Q. That was in person?	12	 Q. But the only thing you were referring
13	A. Yes.	13	to was this issue with you talking to the people
14	Q. And at some point after that, she tells	14	in Calgary?
15	you something to the effect of she no longer needs	15	MS. KIRKPATRICK: Objection.
16	your help, she can handle that responsibility.	16	MS. GURMANKIN: Right?
17	Correct?	17	MS. KIRKPATRICK: He said the way work
18	MS. KIRKPATRICK: Objection. That's	18	is handled
19	not what he said. He said that she said this was	19	MS. GURMANKIN: Right?
20	her job and he wasn't supposed to do it.	20	MS. KIRKPATRICK: and work orders
21	Mischaracterizing the testimony.	21	are processed.
22	THE WITNESS: That is what she said.	22	MS. GURMANKIN: Is that right?
23	BY MS. GURMANKIN:	23	MS. KIRKPATRICK: That's not what he
24	Q. What is what she said?	24	said.
	Page 82		Page 84
1	A. She said it's my job and don't do it	1	MS. GURMANKIN: Is that right?
2	anymore, or don't help me anymore or something	2	MS. KIRKPATRICK: You can explain it to
3	like that.	3	her again.
4	Q. And you said okay?	4	MS. GURMANKIN: Is that right?
5	A. I did say okay.	5	THE WITNESS: No, that's not right.
6	Q. Well, why didn't you tell her it was a	6	BY MS. GURMANKIN
7	shared job responsibility, part of both of your	7	Q. So tell me what else you were referring
8	jobs?	8	to, other than the issue of Jesse getting upset
9	MS. KIRKPATRICK: Objection. Asked and	9	that you were talking to these people in Calgary,
10	answered.	10	when you said to Kloosterman, she gets offended by
11	THE WITNESS: I wasn't going to argue	11	things that are not meant to be offensive?
12	with her.	12	MS. KIRKPATRICK: He said it involved
13	BY MS. GURMANKIN	13	the process of getting the work through.
14	Q. Why?	14	MS. GURMANKIN: That's right. And the
15	A. That's not my nature to.	15	only example he gave was him talking to the people
16	Q. Did you go to Turney and say look, this	16	in Calgary.
17	is part of both of our jobs, Jesse is telling me	17	MS. KIRKPATRICK: Let me finish.
18	not to do it anymore, what should we do or	18	MS. GURMANKIN: No. You are making a
19	something to that effect?	19	speaking objection.
20	A. No.	20	MS. KIRKPATRICK: And the way he
21	Q. Why?	21	MS. GURMANKIN: No. You're making a
22	A. If she wanted to do it, I let her do	22	speaking objection.
23	it.	23	MS. KIRKPATRICK: That's not your
24	Q. Did that continue as part of your job	24	question.

Barnes v. Shell Exploration & Production Company Appalachia, et al. **KEN FOREMAN, 2/14/20** Page 85 Page 87 was the only example. You can tell her again. 1 MS. GURMANKIN: You're making a 1 2 speaking objection. 2 BY MS. GURMANKIN: 3 3 MS. KIRKPATRICK: You're Q. Is there anything else you were 4 4 mischaracterizing his testimony. referring to when you said that to her? 5 5 MS. GURMANKIN: Stop making objections A. Not that I'm aware of, no. 6 that are violations of the rules. 6 MS. GURMANKIN: Okay. Let's take a 7 MS. KIRKPATRICK: You are asking the 7 break to change the tape. 8 8 same questions over and over again. THE VIDEOGRAPHER: This will conclude 9 9 BY MS. GURMANKIN: file one in the videotaped deposition of Ken 10 Q. Can you answer the question? Do you 10 Foreman in the matter of Barnes v Shell, et al. 11 need it repeated? 11 We are going off the record at 1:30 p.m. 12 12 A. Repeat the question, please. (A recess was taken from 1:30 to 1:39 13 Q. Sure. When you told Kloosterman that 13 p.m.) 14 she gets offended by things that are not meant to 14 THE VIDEOGRAPHER: This will begin file 15 be offensive, is there anything else that you are number two in the videotaped deposition of Ken 15 referring to, other than the example of you 16 Foreman in the matter of Barnes v Shell, et al. 16 talking to the people in Calgary? 17 We are going back on the record at 1:39 p.m. 17 BY MS. GURMANKIN 18 MS. KIRKPATRICK: Objection. 18 19 19 Q. Going back to the bottom of page one, THE WITNESS: Yeah. Yeah. 20 MS. KIRKPATRICK: And the other 20 of Exhibit 22. According to Kloosterman's notes, you told her that Jesse thinks things are personal 21 explanation. 21 when they are not. What did you mean by that? 22 THE WITNESS: And how the work 22 23 A. She took the business process or 23 progressed through the system. 24 24 anyone's objection to how the business process was Page 86 Page 88 1 BY MS. GURMANKIN: handled as it was personal. 1 2 Q. Well, earlier when I asked you what you 2 Q. What are you referring to? 3 were talking about, the only example you gave was 3 A. If someone didn't think something in 4 you talking to the people in Calgary. Is there 4 the process was handled right, she took it, you 5 5 anything else that you were referring to? know, that it was personal attack against her. 6 A. I don't think that's what I said. 6 Q. What are you talking about? 7 Q. Well, it was. But the record will 7 A. What I just told you. 8 reflect that. 8 Q. Do you have an example? 9 9 In any case, is there anything else you A. I don't know that I have an example, 10 are talking about about how work progressed 10 but I know that that's why I said that. 11 through the system that Jesse was offended by, 11 Q. Did Kloosterman ask you for an example? 12 other than you talking to the people in Calgary? 12 A. I don't recall.

MS. KIRKPATRICK: Objection. Do you have any other examples, is the question.

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THE WITNESS: I wish she would ask that question. I do not have any other examples. BY MS. GURMANKIN

Q. Okay. Was the only thing that you were referring to when you told Kloosterman that Jesse gets offended that are not meant to be offensive, was Jesse's reaction when you talked to the people in Calgary?

MS. KIRKPATRICK: Objection. That wasn't the only thing he was referring to. That

- Q. Did Kloosterman ask you for an example of what you meant when you told her that Jesse gets offended by things that are not meant to be offensive?
- A. Not that I know of. I don't -- I don't --
- 19 Q. You go on to say, "I have had to deal 20 with that." What did you mean by that?
 - A. She would be personally mad about something that was just part of the process.
 - Q. At you?
 - A. I don't know.

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Page 89 Page 91 1 Q. What did you mean when you said I had 1 Q. How? 2 to deal with that. What did you have to deal 2 A. She just looked upset. 3 with? 3 Q. From the look on her face? 4 MS. KIRKPATRICK: Objection. He just 4 A. Her demeanor. 5 told you. 5 Q. What about it? 6 THE WITNESS: Yeah, her being mad at 6 A. She looked like someone that was upset. 7 the way the process was. 7 Q. What about her demeanor led you to that 8 BY MS. GURMANKIN: 8 conclusion? 9 9 Q. Mad in general or mad at any particular A. She just looked like someone that was 10 person? 10 upset. 11 A. Could you ask that again? 11 Q. Was it the look on her face or 12 Q. Sure. Was she mad in general or mad at 12 something else? 13 a particular person? 13 A. She would act -- I don't know. She 14 A. I would say mad at the process, which 14 just looked like someone that was upset. 15 15 would be mad in general. Q. When she said to you, basically, get 16 16 Q. Well, if she was mad at the process your stuff done so I can print, what about that then what did you have to deal with? 17 17 was she taking personally? 18 A. Her being mad. 18 MS. KIRKPATRICK: Objection. 19 Q. Did she express that to you? 19 THE WITNESS: She thought that I was 2.0 A. Yes. 20 trying to slow her process down or trying to make Q. How did she express that to you? 21 21 it so she couldn't do her work. A. Well, there was timelines that she had 2.2 22 BY MS. GURMANKIN: 23 to meet. And there was times where I was still 23 Q. Where did you get that from her saying, 24 working on my work that was making her deadline 24 basically, finish your stuff so I can print? Page 90 Page 92 1 come up. 1 A. Ask the question again, please. 2 2 Q. Sure. Where did you get from her Q. Okay. And what did she get mad about 3 that that she expressed to you? 3 saying to you something to the effect of finish 4 A. Like, get your work done so I can 4 your stuff so I can print, did you get that she 5 5 print. That was what she said. was taking things personally? 6 Q. And what about that led you to conclude 6 A. It just felt to me like she was taking 7 that she was mad about the process? 7 them personally. 8 A. The process is what had slowed me from 8 Q. Do you have any basis for that? 9 MS. KIRKPATRICK: Objection. He talked 9 getting my work done. 10 10 Q. Did she have to wait for you to get about the look on her face and her demeanor. MS. GURMANKIN: That was about her 11 your work done before she could complete what she 11 12 had to do? 12 being upset. I'm asking about her taking things A. Yes. 13 13 personally. 14 Q. Did she yell? 14 MS. KIRKPATRICK: Objection. 15 15 A. No, I don't think she was yelling. THE WITNESS: To me, it's the same 16 Q. Did she curse? 16 thing. 17 BY MS. GURMANKIN A. I don't recall. 17 18 Q. Did she throw stuff? 18 Q. From her demeanor? 19 19 No, she didn't throw stuff. A. Yes. 20 20 Q. So what about her saying, basically, Q. From her demeanor, it appeared to you get your stuff done so I can print led to you 21 21 that she was taking personally her statement to conclude that she was mad about the process? you that you had to finish your work before she 22 22 A. I could tell that she was visibly 23 23 could print? 24 MS. KIRKPATRICK: And the look on her 24 upset.

	D 02		D 05
	Page 93		Page 95
1	face. You can answer.	1	A. That she's just not a morning person.
2	THE WITNESS: Yeah. It seemed to me	2	Q. Did she just announce that? Was there
3	like she was taking it personal.	3	a discussion? Was there anything leading up to
4	BY MS. GURMANKIN	4	her saying that?
5	Q. Did she say anything that led you to	5	A. There was something that led up to it,
6	conclude that she was taking it personal?	6	but I don't know what that what that was.
7	MS. KIRKPATRICK: Objection. Asked and	7	Q. You go on to say "There was a time
8	answered.	8	I'm sorry. "There was a while when she did not
9	THE WITNESS: Yes. Her whole demeanor	9	know her role, a year ago or so. I knew her role
10	said that she was taking it personal.	10	better than she did. I did not know her role as
11	BY MS. GURMANKIN	11	well as she knows it now. She has improved a
12	Q. Right. I understand it's her demeanor.	12	lot."
13	But was it anything she actually said or how she	13	When you say you knew her role better
14	appeared in her demeanor?	14	than she did, that was her maintenance analyst
15	MS. KIRKPATRICK: Objection.	15	role?
16	THE WITNESS: How she appeared.	16	A. True.
17	BY MS. GURMANKIN	17	Q. And when you say I did not know her
18	Q. Anything she said or just how she	18	role as well as she knows it now, she has improved
19	appeared?	19	a lot, you are talking about her work in that
20	A. Probably just how she appeared.	20	maintenance analyst role?
21	Q. Okay. Anything else that you meant	21	A. I am, yes.
22	when you told Kloosterman that she thinks things	22	Q. Did she handle scheduling at all as
23	are personal when they are not, other than her	23	part of her maintenance analyst responsibilities?
24	saying to you something to the effect of finish up	24	A. No.
	Page 94	1	
	5 - 7 -		Page 96
1	your stuff so I can print?	1	Q. Not to your knowledge?
1 2	your stuff so I can print? MS. KIRKPATRICK: Objection.	1 2	Q. Not to your knowledge? A. No.
	your stuff so I can print?		Q. Not to your knowledge?
2	your stuff so I can print? MS. KIRKPATRICK: Objection. THE WITNESS: Not that I can think of. BY MS. GURMANKIN	2	Q. Not to your knowledge? A. No.
2 3	your stuff so I can print? MS. KIRKPATRICK: Objection. THE WITNESS: Not that I can think of.	2 3	Q. Not to your knowledge?A. No.Q. How about planning?A. No.Q. Why did you know her role better than
2 3 4	your stuff so I can print? MS. KIRKPATRICK: Objection. THE WITNESS: Not that I can think of. BY MS. GURMANKIN	2 3 4	Q. Not to your knowledge?A. No.Q. How about planning?A. No.
2 3 4 5	your stuff so I can print? MS. KIRKPATRICK: Objection. THE WITNESS: Not that I can think of. BY MS. GURMANKIN Q. Did Kloosterman ask you what you were talking about? A. I don't know.	2 3 4 5	 Q. Not to your knowledge? A. No. Q. How about planning? A. No. Q. Why did you know her role better than she did? A. Because I had done that role.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	your stuff so I can print? MS. KIRKPATRICK: Objection. THE WITNESS: Not that I can think of. BY MS. GURMANKIN Q. Did Kloosterman ask you what you were talking about? A. I don't know. Q. You don't remember? A. I do not. Q. You go on to say, according to Kloosterman's notes, "She is not a morning person at all. From noon on she is happy Jesse." What did you mean by that? A. Jesse's not a morning person. Q. And how did you come to that conclusion? A. She told us. Q. Who is us? A. People in our group. Q. Who? A. Matt Skolny and I, for sure. Q. Together? A. I would say, yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Not to your knowledge? A. No. Q. How about planning? A. No. Q. Why did you know her role better than she did? A. Because I had done that role. Q. The maintenance analyst role? A. Yes. Q. When? A. From 2011 until Jesse told me to stop doing it. Q. You were a scheduler. Right? A. Yes. Q. Was being a maintenance analyst part of your job as a scheduler? A. We did not have a maintenance analyst until Jesse became the maintenance analyst, yes. Q. So you had a dual role? A. It wasn't announced that way, but I did the work of both of those roles. Q. The scheduler and the maintenance analyst?
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Page 97 Page 99 1 Q. Then when Jesse was hired full time, 1 BY MS. GURMANKIN 2 did you drop the maintenance analyst 2 Q. And you don't know if it was the 3 3 responsibilities? maintenance analyst responsibility or scheduler 4 4 A. When she was capable of doing it, yes. responsibility. Is that your testimony? Q. And who determined that? 5 5 MS. KIRKPATRICK: Objection. Asked and 6 A. I guess she did. 6 answered. 7 Q. Well, did you? 7 BY MS. GURMANKIN: 8 A. I did not. 8 Q. Right? 9 9 Q. Did you ever tell Turney what your A. Right. 10 opinion was about whether or not she was ready to 10 Q. Well, if it was a scheduler handle the maintenance analyst responsibilities 11 responsibility, then that would be your job, not 11 12 without your help? 12 Jesse's job. Right? 13 A. I did not. 13 A. Not necessarily. 14 Q. Did he ever ask you your opinion on 14 Q. Okay. There may have been scheduler 15 15 responsibilities that if Jesse said -- that when that? A. He did not. 16 16 Jesse said to you she wanted to handle that, you 17 Q. You go on to say. "She was offended 17 said, okay. Let me ask it a better way. 18 that I would do things that were supposedly in her 18 It's possible that that was a scheduler 19 wheelhouse when I knew that she didn't know what 19 responsibility, the issue that you were talking to 20 to do." 20 Calgary about; you don't recall whether it was 21 21 Is that the same as what we talked scheduler or maintenance analyst. Is that 22 22 about earlier, in connection with your statement correct? 23 MS. KIRKPATRICK: Objection. He said 23 to Kloosterman, that she gets offended by things 24 24 that are not meant to be offensive? it was job sharing. Page 98 Page 100 1 A. No. 1 BY MS. GURMANKIN 2 2 Q. What is different about you telling Q. Is that right? 3 Kloosterman she was offended that I would do 3 A. What's your question again? 4 things that were supposedly in her wheelhouse, 4 Q. Sure. The issue that you were talking 5 5 when I knew that she didn't know what to do? to Calgary about, do you recall if that was a 6 A. That is talking about maintenance 6 scheduler responsibility, or part of the 7 analyst kind of work. 7 maintenance analyst responsibilities that you 8 Q. What? 8 held? 9 9 A. When I was helping do that and she was, MS. KIRKPATRICK: Objection. He said 10 10 you know, mad that I was helping do that. it was job sharing. 11 Q. Was one of her maintenance analyst 11 THE WITNESS: Yeah. You're going to 12 12 responsibilities the issue that you talked to the have to ask it again. I'm sorry. BY MS. GURMANKIN: 13 Calgary people about? 13 14 A. I don't know. 14 Q. Sure. The issue that you were talking Q. You don't know if it was one of the to Calgary about, was that part of your scheduler 15 15 16 responsibilities? 16 job? 17 17 A. I don't know. A. I don't know. 18 Q. Well, you handled that maintenance 18 Q. Was it part of the maintenance analyst 19 analyst job. Was talking to Calgary part of the 19 responsibilities that you had? 20 maintenance analyst responsibility? 20 A. I don't know. MS. KIRKPATRICK: Objection. Asked and Q. But you testified that Jesse was mad 21 21 22 answered. He said it was a shared duty. 2.2 that you had that communication, and she told you THE WITNESS: Yeah, I don't know what I 23 23 she wanted to handle that and you agreed. Right? 24 MS. KIRKPATRICK: Objection. She told 24 was talking to them about at that time.

	Page 101		Page 103
1	him he should stop. He wasn't supposed to be	1	A. No. She did not.
2	doing it any further.	2	Q. Is that possible?
3	MS. GURMANKIN: That's correct?	3	MS. KIRKPATRICK: He just said no.
4	MS. KIRKPATRICK: She said it wasn't	4	BY MS. GURMANKIN
5	his job.	5	Q. Is that possible?
6	MS. GURMANKIN: Okay. That's correct?	6	MS. KIRKPATRICK: Objection.
7	MS. KIRKPATRICK: Mischaracterization.	7	THE WITNESS: Is it possible ask it
8	THE WITNESS: That's correct.	8	again.
9	BY MS. GURMANKIN	9	BY MS. GURMANKIN:
10	Q. If that were and you agreed to not	10	Q. Sure. Is it possible that she handled
11	do it anymore and to let her do it. Right? After	11	scheduling responsibilities in her role as
		12	
12	she said that to you.		maintenance analyst?
13	MS. KIRKPATRICK: Objection. Asked and	13	MS. KIRKPATRICK: Objection.
14	answered, five times now, I think.	14	THE WITNESS: She did not handle
15	MS. GURMANKIN: Right?	15	scheduling responsibilities.
16	MS. KIRKPATRICK: You can tell her	16	BY MS. GURMANKIN:
17	again.	17	Q. Well, you may have backed off of the
18	THE WITNESS: Yes, I stopped.	18	issue that you talked to the Calgary people about,
19	BY MS. GURMANKIN:	19	which may have been part of your scheduling role.
20	 Q. Would you have stopped if that was part 	20	Right?
21	of your scheduler responsibilities?	21	MS. KIRKPATRICK: Objection.
22	A. It's a little there was times when I	22	THE WITNESS: Ask that again.
23	got advice from the people in Calgary, as far as	23	MS. GURMANKIN: Sure.
24	scheduling. So I would not have stopped talking	24	
	Page 102		Page 104
1	to them, no.		
		1	BY MS. GURMANKIN:
2	Q. Right. So when you told her that you	1 2	Q. You testified that even if the issue
2 3	Q. Right. So when you told her that you would stop, did you actually stop?		Q. You testified that even if the issue that you were communicating with Calgary about
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3	Q. Right. So when you told her that you would stop, did you actually stop?A. I stopped being involved with the maintenance analyst stuff, yes.	2	Q. You testified that even if the issue that you were communicating with Calgary about
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3 4 5	 Q. Right. So when you told her that you would stop, did you actually stop? A. I stopped being involved with the maintenance analyst stuff, yes. Q. But you don't remember if that communication that you had with the people in 	2 3 4 5	Q. You testified that even if the issue that you were communicating with Calgary about would have been part of your scheduling responsibilities, that you probably still would
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	Page 105		Page 107
1	role and let Jesse handle them?	1	A. I would say, yes.
2	A. I did not do that.	2	Q. And had she expressed to you, by this
3	Q. Okay. So then can we assume that the	3	time, that she felt ready to take on all the
4	issue that you talked to Calgary about was, in	4	maintenance analyst responsibilities?
5	fact, part of your scheduling role and not part of	5	MS. KIRKPATRICK: Objection.
6	your maintenance analyst responsibilities, that	6	THE WITNESS: She did not say that.
7	you handled until Jesse was hired?	7	BY MS. GURMANKIN
8	MS. KIRKPATRICK: Objection.	8	Q. Did Turney ask for your feedback about
9	THE WITNESS: We were all we were	9	whether she was ready fly or fail?
10	working across teams until Jesse got up to speed.	10	A. He did not.
11	BY MS. GURMANKIN	11	Q. Did you offer any?
12	Q. Which was when?	12	A. No.
13	A. Whenever she said let me do it.	13	Q. You go on to say, "She has a peer group
14	Q. When?	14	for the different assets. She has met the other
15	A. I don't know when that was.	15	MAs." Is that maintenance analysts?
16	Q. Okay. Anything else that you were	16	A. It is.
17	referring to when you told Kloosterman that she	17	Q. "Only deals well with the female MAs,
18	was offended that I was doing things that were	18	doesn't reach out to the males." What was your
19	supposedly in her wheelhouse, when I knew what	19	basis for that?
20	(sic) she didn't know what to do?	20	A. I knew who she was talking to.
21	A. That's what I was talking about.	21	Q. How?
22	Q. Okay. Nothing else?	22	A. Because she would tell me who she was
23	A. Nothing else.	23	talking to.
24	Q. Then you go on to say, "But that has	24	Q. Why?
			<u>, .</u>
	Page 106		Page 108
1	changed and I saw it coming. It got to the	1	MS. KIRKPATRICK: Why would she tell
2	point" if you can go to the next page, you can	2	him something? He can't speculate to that. Did
3	just scroll over "where Will said, it's time to	3	she say why she was speaking to those individuals?
4	let her fly or fail." When was that?	4	THE WITNESS: I gave her advice on who
5	 A. When could you ask that again, 	5	to talk to.
6	please?	6	BY MS. GURMANKIN:
	O O O O O O O O O O O O O O O O O O O		
7	Q. Sure. When did Will say it's time to	7	Q. Okay. So who did you tell her to talk
7 8	let her fly or fail?	7 8	
		8 9	Q. Okay. So who did you tell her to talk to? A. To the maintenance analysts in Canada.
8	let her fly or fail?	8	Q. Okay. So who did you tell her to talkto?A. To the maintenance analysts in Canada.Q. Did you give her names or did you say
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Page 109 Page 111 1 Q. Male or female? 1 female. Is that right? 2 A. They are all female. 2 MS. KIRKPATRICK: Objection. He said 3 3 Q. As you sit here today, you can't think he may have told her to reach out to others. 4 of a single name? 4 BY MS. GURMANKIN: 5 A. No. 5 Q. Is there any reason as to why you told 6 Q. Okay. Anyone else you told her to talk 6 Kloosterman that Jesse doesn't reach out to males 7 to, other than the two or three female MAs in 7 when you didn't tell her to reach out to any 8 Canada? 8 9 9 A. Beyond who she was already talking with A. She had the option without me telling 10 in Canada, no. 10 her 11 Q. And she told you that she reached out 11 Q. Any reason why you didn't tell Kloosterman that you only told Jesse to reach out 12 to these MAs in Canada? 12 13 A. Yes, she did. 13 to MAs who were female? 14 Q. Did you tell her to reach out to any 14 A. I didn't tell her that. 15 15 male MAs and she did not? Q. Any explanation as to why? 16 16 A. I did not do that, no. A. No. Q. So did you tell Kloosterman -- when you 17 Q. What was your point in telling 17 18 are saying that Jesse only deals well with the 18 Kloosterman that Jesse only deals with the female 19 19 female MAs, doesn't reach out to the males, did MAs and didn't reach out to the males? 2.0 you tell Kloosterman that you told Jesse to talk 20 MS. KIRKPATRICK: Objection. This was already asked and answered three times. You can 21 to only female MAs? 21 22 22 A. I did not tell her that, no. answer. 23 23 Q. Why? MS. GURMANKIN: You can answer. 24 A. I don't know that it was asked. 24 THE WITNESS: What was the question Page 110 Page 112 1 Q. Well, what was your point in telling 1 again? 2 Kloosterman that Jesse only deals well with the 2 BY MS. GURMANKIN: 3 female MAs and doesn't reach out to the males? 3 Q. What was your point in telling 4 A. That's what I had seen. That she had 4 Kloosterman that Jesse only deals well with the 5 5 not reached out to all the assets in the United females and she doesn't reach out to the males? 6 States, that she only reached out to the assets in 6 MS. KIRKPATRICK: Objection. 7 Canada. 7 THE WITNESS: That's the only one I --8 8 MS. KIRKPATRICK: I'm sorry. Go ahead. Q. The only people that you told her to 9 THE WITNESS: That's the only one that reach out to, according to your testimony, was the 9 10 10 two or three female MAs in Canada. Is that right? I heard her talking about. 11 MS. KIRKPATRICK: Objection. You 11 BY MS. GURMANKIN 12 12 already told her yes. You can answer. Q. Why are you telling Kloosterman that? MS. KIRKPATRICK: Objection. 13 THE WITNESS: Yes. 13 THE WITNESS: I don't know. I don't 14 BY MS. GURMANKIN 14 15 know what the question was that was asked of me. 15 Q. So why are you suggesting to 16 Kloosterman -- why are you saying to Kloosterman 16 BY MS. GURMANKIN 17 17 that Jesse only deals well with the female MAs, Q. Let's go back to page one. Look under 18 doesn't reach out to the males, when you only told 18 the question, Describe your working relationship with Will Turney and Jesse Barnes. So why are you 19 her to reach out to MAs who are female? 19 20 20 A. I don't know. I may have told her to telling Kloosterman that? reach out to the others ones, too. I don't 21 MS. KIRKPATRICK: Objection. 21 2.2 THE WITNESS: I don't know. 22 remember. 23 23 BY MS. GURMANKIN Q. And your testimony under oath is that Q. Did Jesse tell you that she reached out 24 you only told her to reach out MAs that were 24

1	Page 113		Page 115
1	to the female MAs in Canada?	1	MS. GURMANKIN: Right?
2	A. Yes. We talked about that.	2	THE WITNESS: Yeah, I don't know that I
3	Q. Did you hear her actually speaking with	3	told her anything about that.
4	the female MAs?	4	BY MS. GURMANKIN
5	A. Yes.	5	Q. Right. You didn't tell Kloosterman
6	Q. Were you on the phone?	6	that you only told Jesse to reach out to MAs who
7	A. No.	7	were female. Correct?
8	Q. You heard her end of the conversation?	8	MS. KIRKPATRICK: Objection.
9	A. Yes.	9	THE WITNESS: I did not tell her that.
10	Q. Was that the basis for your conclusion	10	BY MS. GURMANKIN:
11	that she dealt well with the female MAs?	11	Q. Right. Why not?
12	A. That's the ones that I heard her	12	MS. KIRKPATRICK: Objection. He said
13	speaking with, yes.	13	she may not have asked.
14	Q. Were you being critical of Jesse when	14	THE WITNESS: It wasn't part of the
15	you told Kloosterman that Jesse only deals well	15	conversation.
16	with the female MAs, doesn't talk to the males?	16	BY MS. GURMANKIN:
17	A. No.	17	Q. Well, it had to do with you telling her
18	Q. Were you trying to suggest that she did	18	that Jesse only deals well with the female MAs,
19	something wrong?	19	doesn't reach out to the males. Right? Relevant
20	A. No.	20	to that. But you don't tell Jesse to reach out to
21	Q. No explanation as to why you told her	21	any male MAs.
22	that. Right?	22	MS. KIRKPATRICK: The question is was
23	MS. KIRKPATRICK: Objection.	23	it relevant?
24	THE WITNESS: (Indicated in the	24	MS. GURMANKIN: No, that wasn't the
	`		ive. Corum artani. Pre, and riderit are
	Page 114		Page 116
1	negative.)	1	question.
2	MS. KIRKPATRICK: In response to the	2	MS. KIRKPATRICK: That was the
3	question.	3	question.
4	MS. GURMANKIN: Right?	4	MS. GURMANKIN: Nope. Do you need it
5	THE WITNESS: What was the		
_	THE WITNESS. What was the	5	repeated?
6	MS. GURMANKIN: No explanation as to	5 6	repeated? THE WITNESS: What was the question?
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6	MS. GURMANKIN: No explanation as to	6	THE WITNESS: What was the question?
6 7	MS. GURMANKIN: No explanation as to why you told Kloosterman that?	6 7	THE WITNESS: What was the question? BY MS. GURMANKIN
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MS. GURMANKIN: No explanation as to why you told Kloosterman that? MS. KIRKPATRICK: Objection. In response to the question. THE WITNESS: Yeah, it's I was just talking then. I don't know why I may have said that. BY MS. GURMANKIN Q. No explanation for why you didn't tell Kloosterman that you only told Jesse to reach out to MAs that were females. Right? MS. KIRKPATRICK: Objection. THE WITNESS: Ask it again, please. BY MS. GURMANKIN: Q. Sure. No explanation as to why you didn't tell Kloosterman that you only told Jesse to reach out to MAs who were female?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: What was the question? BY MS. GURMANKIN Q. You said it wasn't part of the conversation for you to tell Kloosterman that you only told Jesse to reach out to MAs who are female, not male. So wasn't you explaining that to Kloosterman part of the conversation, where you are telling her that Jesse only deals well with female MAs, she hasn't reached out to any male? MS. KIRKPATRICK: Objection. Mischaracterization. Compound. THE WITNESS: I didn't tell Kloosterman that I told Jesse to reach out to the female maintenance analysts. BY MS. GURMANKIN: Q. The question is, why didn't you tell Kloosterman that you only told Jesse to reach out

	Page 117		Page 119
1	answered. Five times. He told you she may not	1	Krise, by the way? Or Krise.
2	have asked. You can tell her again.	2	A. Yes.
3	MS. GURMANKIN: My question is why	3	Q. How many times did she get mad at you
4	didn't you tell her?	4	and Dan?
5	MS. KIRKPATRICK: She may not have	5	A. I'm not seeing where you are talking
6	asked.	6	about.
7	THE WITNESS: I don't believe she asked	7	Q. The second page, first bullet point on
8	me.	8	the page. Above the chart.
9	BY MS. GURMANKIN	9	A. I see it. What was the question?
10	Q. Were you only told that you could	10	Q. How many times did she get mad at you
11	answer specific questions?	11	and Dan Krise?
12	A. I don't get what that question is. I'm	12	A. I don't know. Off and on.
13	sorry.	13	Q. What's lots? You said lots of times.
14	Q. Did Kloosterman specifically ask you if	14	A. Yeah.
15	Jesse only dealt well with female MAs?	15	Q. How many is lots?
16	A. I don't know.	16	A. Ten or more.
17	Q. Did she specifically ask you whether	17	Q. More than 20?
18	Jesse reached out to males?	18	A. I'll stay with ten or more.
19	A. And I don't know that, either.	19	Q. Between ten and 20?
20	Q. Is it possible she didn't ask you those	20	A. Ten or more.
21	specific questions?	21	Q. What did she get mad at you and Dan
22	A. It is possible, yes.	22	about?
23	Q. Okay. But you still told her that	23	A. I don't know. Being loud.
24	information. Right?	24	Q. Are you guessing, or did she get mad at
	Page 118		Page 120
1	A. Yes.	1	you for being loud?
2	Q. Okay. So even if she didn't ask, is	2	A. No. She has gotten mad at us for being
3	there any explanation for why you didn't tell	3	loud.
4	Kloosterman that you only directed Jesse to reach	4	Q. Because she was trying to work?
5	out to MAs who were female and none who were male?	5	MS. KIRKPATRICK: Objection.
6	MS. KIRKPATRICK: Objection.	6	THE WITNESS: I don't know if she was
7	THE WITNESS: I knew that the female	7	trying to work or not.
8	maintenance analysts were competent. That's why I	8	BY MS. GURMANKIN
9	said to reach out to them. But she also knew the	9	Q. Was it during the workday?
10	other maintenance analysts in their peer group.	10	A. Yes, it was during the workday.
11	BY MS. GURMANKIN:	11	Q. Was she at her desk?
12	Q. Even if Kloosterman didn't ask, is	12	A. Yes. She was in the work area.
13	there any reason why you did not tell Kloosterman	13	Q. Were you guys being loud?
14	that you had directed Jesse to only reach out to	14	A. I would say yes.
15	MAs who were female and none who were male?	15	Q. And what did she say?
16	A. No.	16	A. Asked us to be quiet.
17	Q. Underneath the first bullet point on	17	Q. What about that led you to conclude
18	page two. The question is, "Gets offended", and	18	that she was mad?
19	then, according to her notes, your answer is	19	A. You could tell from her demeanor that
20	"There have been lots of times when she has been	20	she was mad.
21	mad at me or Dan. She gets set off pretty easily.	21	Q. Did you quiet down when she asked you
22	She has something against Dan."	22	to?
23	How many times were you referring to	23	A. Yes.
24	that she got mad at you and Dan? Is that Dan	24	Q. Do you think there was anything wrong

	Page 121		Page 123
1	with what she was doing?	1	A. Yes.
2	A. No. I would say no.	2	Q. Did you tell Kloosterman that one of
3	Q. Anything else that she got mad at you	3	the things that she was upset about was when you
4	and Dan about, when you told Kloosterman that	4	touched her hair?
5	there have been lots of times when she has been	5	A. I did not.
6	mad at you and Dan?	6	Q. Why not?
7	A. The leek dip.	7	A. I don't believe it was asked.
8	Q. I'm sorry?	8	Q. She didn't specifically ask the
9	A. The leek dip. She didn't like when we	9	question did Jesse get mad when you touched her
10	had leek dip.	10	hair; is that your testimony as to why you didn't
11	Q. Leek dip?	11	tell her?
12	A. Yes.	12	A. Did she ask me about that?
13	Q. A food?	13	MS. KIRKPATRICK: She did, if you look
14	A. A food.	14	on the fourth page. The question is not based
15	Q. Okay. And she didn't like that because	15	upon document the document in evidence. It's
16	of the smell?	16	contrary to it.
17	A. Yes.	17	MS. GURMANKIN: Is that an actual
18	Q. And what did she say when you had leek	18	objection?
19	dip?	19	MS. KIRKPATRICK: Well, I'm not going
20	 That we had to get it out of there. 	20	to let you
21	Q. Did you agree it had a pungent odor?	21	MS. GURMANKIN: Do you need the
22	A. Yes.	22	question repeated?
23	 Q. And when she asked you to get it out of 	23	MS. KIRKPATRICK: ask leading
24	there, did you eat it somewhere else?	24	questions that are contrary to the evidence.
	Page 122		Page 124
1	Page 122 A. We did.	1	Page 124 MS. GURMANKIN: Do you understand
1 2		1 2	
	A. We did.		MS. GURMANKIN: Do you understand
2	A. We did. Q. Anything wrong with her asking you to eat it somewhere else? A. No.	2	MS. GURMANKIN: Do you understand leading questions are permitted in cross-examination? MS. KIRKPATRICK: I'm not saying it's
2	A. We did.Q. Anything wrong with her asking you to eat it somewhere else?A. No.Q. Anything else that you were referencing	2 3	MS. GURMANKIN: Do you understand leading questions are permitted in cross-examination? MS. KIRKPATRICK: I'm not saying it's leading. I'm saying
2 3 4	 A. We did. Q. Anything wrong with her asking you to eat it somewhere else? A. No. Q. Anything else that you were referencing when you told Kloosterman there have been lots of 	2 3 4	MS. GURMANKIN: Do you understand leading questions are permitted in cross-examination? MS. KIRKPATRICK: I'm not saying it's
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2 3 4 5 6	 A. We did. Q. Anything wrong with her asking you to eat it somewhere else? A. No. Q. Anything else that you were referencing when you told Kloosterman there have been lots of times when she has been mad at you and Dan? A. Not that I can think of right now. 	2 3 4 5 6	MS. GURMANKIN: Do you understand leading questions are permitted in cross-examination? MS. KIRKPATRICK: I'm not saying it's leading. I'm saying MS. GURMANKIN: Please stop making
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2 3 4 5 6 7 8 9 10 11 12 13	A. We did. Q. Anything wrong with her asking you to eat it somewhere else? A. No. Q. Anything else that you were referencing when you told Kloosterman there have been lots of times when she has been mad at you and Dan? A. Not that I can think of right now. Q. Okay. Did Kloosterman ask you for any examples? A. I don't believe so. Q. Did you ever run your hands through Jesse's hair? A. No. Q. You sure about that?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	MS. GURMANKIN: Do you understand leading questions are permitted in cross-examination? MS. KIRKPATRICK: I'm not saying it's leading. I'm saying MS. GURMANKIN: Please stop making speaking objections. MS. KIRKPATRICK: It's mischaracterized. I have a right to object to leading questions. BY MS. GURMANKIN Q. Is your testimony that you didn't tell Kloosterman that Jesse got mad and upset when you touched her hair because Kloosterman didn't specifically ask you that? Is that your
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. We did. Q. Anything wrong with her asking you to eat it somewhere else? A. No. Q. Anything else that you were referencing when you told Kloosterman there have been lots of times when she has been mad at you and Dan? A. Not that I can think of right now. Q. Okay. Did Kloosterman ask you for any examples? A. I don't believe so. Q. Did you ever run your hands through Jesse's hair? A. No. Q. You sure about that? A. I'm positive about MS. KIRKPATRICK: Objection. THE WITNESS: that. BY MS. GURMANKIN: Q. Did you touch her hair? A. Yes, I did. Q. Did she get mad at you about that?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MS. GURMANKIN: Do you understand leading questions are permitted in cross-examination? MS. KIRKPATRICK: I'm not saying it's leading. I'm saying MS. GURMANKIN: Please stop making speaking objections. MS. KIRKPATRICK: It's mischaracterized. I have a right to object to leading questions. BY MS. GURMANKIN Q. Is your testimony that you didn't tell Kloosterman that Jesse got mad and upset when you touched her hair because Kloosterman didn't specifically ask you that? Is that your testimony? MS. KIRKPATRICK: Read page four. MS. GURMANKIN: No. Answer the question first. MS. KIRKPATRICK: No. The question is misleading because you state here MS. GURMANKIN: Kathy, you are being

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	Page 125		Page 127
1	MS. KIRKPATRICK: No. It's misleading.	1	BY MS. GURMANKIN:
2	MS. GURMANKIN: Is that your testimony?	2	Q. Answer the question, Mr. Foreman. Is
3	MS. KIRKPATRICK: You are trying to	3	it your testimony that you did not tell
4	twist it around.	4	Kloosterman that Jesse got upset when you touched
5	MS. GURMANKIN: Is that your testimony?	5	her hair because Kloosterman did not specifically
6	THE WITNESS: What's your question?	6	ask you that?
7	BY MS. GURMANKIN	7	MS. KIRKPATRICK: Wait. Objection.
8	Q. Is your testimony that you did not tell	8	MS. GURMANKIN: Is that your testimony?
9	Kloosterman that Jesse got upset when you touched	9	MS. KIRKPATRICK: Wait. Stop.
10	her hair because she didn't specifically ask you	10	MS. GURMANKIN: Nope. Is that your
11	that?	11	testimony?
12	MS. KIRKPATRICK: Here it is.	12	MS. KIRKPATRICK: You need to show me
13	MS. GURMANKIN: No. No. Answer the	13	the exhibit. You have removed the exhibit from my
14	question first, and then you can look at the	14	screen.
15	document.	15	MS. GURMANKIN: Is that your testimony?
16	MS. KIRKPATRICK: No. He can look at	16	MS. KIRKPATRICK: You have taken the
17	the document.	17	exhibit. Do not answer. Do not answer.
18	MS. GURMANKIN: No. You are being	18	THE WITNESS: I don't know what the
19	inappropriate.	19	question is.
20	MS. KIRKPATRICK: You are asking him	20	MS. GURMANKIN: I'm asking you.
21	about something that is in the document.	21	MS. KIRKPATRICK: You have removed the
22	MS. GURMANKIN: Answer the question.	22	exhibit. You have taken the exhibit from my
23	MS. KIRKPATRICK: Right here.	23	screen. If you are showing the witness the
24	MS. GURMANKIN: Nope. We're clearing	24	exhibit and it is part of this question
21	We to dealing		exhibit and it is part of this question
	Page 126		Page 128
1	that for now. Answer the question.	1	MS. GURMANKIN: It's not.
2	MS. KIRKPATRICK: No, you're not.	2	MS. KIRKPATRICK: then you need to
3	MS. GURMANKIN: Answer the question.	3	put it back on my screen.
4	MS. KIRKPATRICK: No. You are not	4	MS. GURMANKIN: It's not part of the
5	MS. GURMANKIN: What's the basis	5	question.
6	MS. KIRKPATRICK: No.	6	BY MS. GURMANKIN:
7	MS. GURMANKIN: Are you instructing him	7	Q. Is it your testimony that you did not
8	not to answer?	8	tell Kloosterman that Jesse got upset when you
9	MS. KIRKPATRICK: No. Yes, I'm	9	touched her hair because she did not specifically
10	instructing him not to answer.	10	ask you that? That's the question.
11	MS. GURMANKIN: What's the basis?	11	MS. KIRKPATRICK: Objection.
12	MS. KIRKPATRICK: Because you are	12	THE WITNESS: I don't know what she
13	asking him a misleading question. And you are	13	specifically asked me.
14	basing it on a document, an exhibit that you have	14	BY MS. GURMANKIN:
15	given him. He has a right to look at the exhibit	15	Q. You testified that you didn't tell her
16	before he answers the question.	16	that Jesse got upset when you touched her hair
17	MS. GURMANKIN: You're instructing him	17	because she didn't specifically ask you.
18	not to answer? I want to get that on the record.	18	MS. KIRKPATRICK: Objection.
19	MS. KIRKPATRICK: I'm instructing him	19	BY MS. GURMANKIN:
20	not to answer and to take the opportunity to read	20	Q. Is that right? Is that true or not?
21	the document that you have given him, that you	21	A. I don't know if that's true.
22	have put before him, that you are asking him	22	Q. You testified to it. Is that true?
23	questions about, and that your question is	23	MS. KIRKPATRICK: Objection.
			-
24	completely contrary to.	24	THE WITNESS: I was mixed up with what

Page 129 Page 131 1 your question was. I --1 objection. 2 BY MS. GURMANKIN 2 BY MS. GURMANKIN: 3 3 Q. Did you tell Kloosterman that Jesse got Q. Is that your testimony, Mr. Foreman? 4 A. I don't know what my testimony is. I 4 upset when you touched her hair? 5 5 A. I don't know -don't. I don't know what I told her. So... 6 6 MS. KIRKPATRICK: If you need to look Q. You don't remember? 7 at the exhibit --7 A. No. 8 8 MS. GURMANKIN: No. I'm asking --Q. So when you testified a couple minutes 9 9 MS. KIRKPATRICK: -- to refresh your ago that you did not tell Kloosterman that Jesse 10 memory, you can do that. 10 got upset when you touched her hair, is that true? MS. GURMANKIN: Nope. I'm asking 11 A. What was that question again? 11 12 12 Q. When you testified a couple minutes ago without the exhibit. 13 MS. KIRKPATRICK: Mr. Foreman, if you 13 that you did not tell Kloosterman that Jesse got 14 need to read this to refresh your memory --14 upset when you touched her hair, is that true 15 15 MS. GURMANKIN: You're being testimony? 16 16 MS. KIRKPATRICK: Objection. In the inappropriate. I'll ask him after this. 17 17 BY MS. GURMANKIN: document. BY MS. GURMANKIN 18 Q. Is it your testimony that you did not 18 19 19 Q. Is that true? tell Kloosterman that Jesse got upset when you 20 touched her hair because Kloosterman didn't 20 A. Let's try this one more time. Q. Sure. You testified a moment ago that 21 specifically ask you that? 21 2.2 you didn't remember what you told Kloosterman. So MS. KIRKPATRICK: Objection. 22 I'm asking if the testimony you gave a couple 23 23 BY MS. GURMANKIN: minutes before that is true, which was that you 2.4 Q. Yes or no? 24 Page 130 Page 132 1 A. I don't know. 1 did not tell Kloosterman that Jesse got upset when 2 2 MS. KIRKPATRICK: You've asked him five you touched her hair. 3 times already. 3 MS. KIRKPATRICK: Objection. 4 BY MS. GURMANKIN: 4 BY MS. GURMANKIN 5 5 Q. You don't remember? Q. Is that true testimony? 6 I don't remember. 6 A. I really don't get the question. 7 Q. Well, why didn't you tell Kloosterman 7 Q. You testified a few minutes ago that 8 that Jesse got upset when you touched her hair? 8 you did not tell Kloosterman that Jesse got upset 9 9 MS. KIRKPATRICK: He did tell her that. when you touched her hair. Is that true? MS. KIRKPATRICK: Objection. 10 It's right in the document. It's an inappropriate 10 11 question. 11 THE WITNESS: I don't think you're 12 12 THE WITNESS: Yeah. I didn't know what saying what Ms. Kloosterman said. I think you're 13 she had written down, though, what we had talked 13 saying something else. 14 about. 14 MS. GURMANKIN: That's not my question. 15 BY MS. GURMANKIN: 15 MS. GURMANKIN: That wasn't my Q. When you testified a few minutes ago 16 question. Do you need it repeated? 16 17 THE WITNESS: I do. 17 that you did not tell Kloosterman that Jesse got 18 BY MS. GURMANKIN 18 upset when you touched her hair, is that true 19 19 Q. Did you not tell Kloosterman that Jesse testimony? 20 20 MS. KIRKPATRICK: Objection. He just got upset when you touched her hair because Kloosterman didn't specifically ask you that? told you. He just answered your question. You 21 21 22 MS. KIRKPATRICK: Objection. He did 2.2 may not like the answer, but he answered it. It's 23 23 not how -tell her that in the document. MS. GURMANKIN: It's a speaking 2.4 MS. GURMANKIN: I'm sorry. I didn't

Page 133 Page 135 understand your answer then. I need you to answer 1 1 afterwards, which is clear. 2 again. 2 THE WITNESS: Yeah. It was very 3 MS. KIRKPATRICK: He'll answer how he 3 confusing. 4 thinks it's fit, whether you understand it or not. 4 BY MS. GURMANKIN 5 BY MS. GURMANKIN 5 Q. Any reason why you didn't tell me you 6 6 Q. When you testified a few minutes ago didn't understand the question if you didn't 7 that did you not tell Kloosterman that Jesse got 7 understand the question? 8 upset when you touched her hair, is that true 8 MS. KIRKPATRICK: Objection. He 9 9 testimony? thought he understood it at the time. 10 MS. KIRKPATRICK: Objection. 10 MS. GURMANKIN: Would you stop 11 THE WITNESS: I don't know what she 11 testifying? 12 12 asked MS. KIRKPATRICK: I'm not testifying. 13 BY MS. GURMANKIN: 13 BY MS. GURMANKIN 14 Q. My question was not what she asked you. 14 Q. Is there any reason why you didn't say 15 My question was when you testified a few minutes 15 that? 16 ago that did you not tell Kloosterman that Jesse 16 A. I don't -- I don't know why I didn't 17 got upset when you touched her hair, is that true 17 say that. 18 testimony? 18 Q. Okay. When did you touch Jesse's hair? 19 MS. KIRKPATRICK: Objection. If you 19 A. When I was at her work station. 20 need to look at the document to refresh your 20 Q. How many times? 21 memory, you can. 21 A. One time. 22 BY MS. GURMANKIN: 22 Q. When? 23 Q. Well, first, are you able to answer 23 A. I get the question. But give me more 24 that question without looking at the document? Is 24 of a question. Page 134 Page 136 1 vour testimony from a few minutes ago true when 1 Q. Sure. Do you remember the year? 2 2 A. I do not. you testified that did you not tell Kloosterman 3 that Jesse got upset when you touched her hair? 3 Q. It was before you met with Kloosterman? 4 MS. KIRKPATRICK: Objection. 4 A. That would be so, yes. 5 5 THE WITNESS: I don't know what I told Q. Is it before the initial phone call 6 6 from Michelle Priest in which she tells you that her 7 BY MS. GURMANKIN: 7 there have been allegations made against you? Q. You don't remember? 8 8 A. I would think so, yes. 9 9 A. I don't remember. Q. But you're not sure? 10 Q. Why did you testify a few minutes ago 10 A. I'm not sure. But I would -- yeah, 11 that you did not tell Kloosterman that Jesse got 11 pretty sure. Not 100 percent sure. 12 12 upset when you touched her hair? Q. So tell me what happened when you 13 MS. KIRKPATRICK: Objection. 13 touched Jesse's hair. 14 THE WITNESS: That's what I'm saying. 14 A. I went to her work station to help her, 15 I didn't understand what you were asking me. 15 and the way that she would sit at her work station 16 MS. GURMANKIN: You heard my 16 made it so it was hard for me to see the screen. 17 17 instruction at the beginning when I told you if And I had tried to put my head basically where her 18 you didn't understand the question to let me know 18 head was so I could see the screen. And her hair 19 and I would rephrase it? 19 was hanging there, so I pulled her hair back and 20 THE WITNESS: I did. 20 laid it on her shoulder. Q. Did you actually touch your head to 21 BY MS. GURMANKIN: 21 Q. Any reason why you didn't say that if 2.2 22 hers? you didn't understand the question? 23 23 A. No. 24 MS. KIRKPATRICK: He realized it 24 Q. How close did you get?

	Page 137		Page 139
1	A. Close. I really needed to be where she	1	couple of inches of hers. And then what happened,
2	was to be able to see the screen.	2	her hair got in your way?
3	Q. Did you ask her to get up?	3	A. It was in my way when I went to look at
4	A. No.	4	the screen. So I just pushed it out of so I
5	Q. Did you ask her to move the screen?	5	could be right there looking.
6	A. No.	6	Q. Was it in your way when you leaned down
7	Q. Did you try to move around her so you	7	and put your head within a couple of inches of
8	could get a different angle?	8	hers?
9	A. No.	9	A. It was in my line of sight.
10	Q. So you put your head did you put it	10	Q. Even after you leaned down and put your
11	as close as it could get to her head without	11	head within a couple inches of hers?
12	touching?	12	A. When I got so I could see the screen,
13	A. I would say no.	13	her hair was in my line of sight.
14	Q. So how many inches away was your head	14	Q. Was it in your line of sight before you
15	from her head?	15	leaned down?
16	A. I don't know.	16	A. I couldn't see the screen then.
17	Q. Are we talking feet, inches, what?	17	Q. Was her hair in your line of sight
18	A. Close.	18	before you leaned down?
19	Q. Within a couple of inches?	19	MS. KIRKPATRICK: Line of sight to the
20	A. Likely, yes.	20	screen? That's unclear.
21	Q. Were you standing?	21	BY MS. GURMANKIN
22	A. Yes.	22	Q. What's your answer?
23	Q. And she was sitting?	23	THE WITNESS: I don't yeah.
24	A. Yes.	24	
	_ 120	l .	
	Page 138		Page 140
1		1	Page 140 BY MS. GURMANKIN:
1 2	Q. So you leaned down? A. Yes.	1 2	
	Q. So you leaned down?		BY MS. GURMANKIN:
2	Q. So you leaned down? A. Yes.	2	BY MS. GURMANKIN: Q. Her hair was in your line of sight
2	Q. So you leaned down?A. Yes.Q. And where did you put your head within	2	BY MS. GURMANKIN: Q. Her hair was in your line of sight before you leaned down and after you leaned down?
2 3 4	Q. So you leaned down?A. Yes.Q. And where did you put your head within a couple of inches of hers; was it to the side?	2 3 4	BY MS. GURMANKIN: Q. Her hair was in your line of sight before you leaned down and after you leaned down? MS. KIRKPATRICK: That's not what he
2 3 4 5	Q. So you leaned down?A. Yes.Q. And where did you put your head within a couple of inches of hers; was it to the side?A. Right behind her shoulder, yes.	2 3 4 5	BY MS. GURMANKIN: Q. Her hair was in your line of sight before you leaned down and after you leaned down? MS. KIRKPATRICK: That's not what he said.
2 3 4 5 6	 Q. So you leaned down? A. Yes. Q. And where did you put your head within a couple of inches of hers; was it to the side? A. Right behind her shoulder, yes. Q. All right. Then when you did that 	2 3 4 5 6	BY MS. GURMANKIN: Q. Her hair was in your line of sight before you leaned down and after you leaned down? MS. KIRKPATRICK: That's not what he said. MS. GURMANKIN: That's the question.
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2 3 4 5 6 7 8 9 10 11 12	 Q. So you leaned down? A. Yes. Q. And where did you put your head within a couple of inches of hers; was it to the side? A. Right behind her shoulder, yes. Q. All right. Then when you did that A. Sometimes I had to lean ahead of her even depending on where she was sitting. Q. So this happened on other occasions? MS. KIRKPATRICK: What happened on other occasions? Let's be clear. THE WITNESS: That I had to be in her 	2 3 4 5 6 7 8 9 10 11 12	BY MS. GURMANKIN: Q. Her hair was in your line of sight before you leaned down and after you leaned down? MS. KIRKPATRICK: That's not what he said. MS. GURMANKIN: That's the question. THE WITNESS: It was not. BY MS. GURMANKIN Q. Okay. Was it in your line of sight before you leaned down? MS. KIRKPATRICK: Was the screen in the line of sight?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. So you leaned down? A. Yes. Q. And where did you put your head within a couple of inches of hers; was it to the side? A. Right behind her shoulder, yes. Q. All right. Then when you did that A. Sometimes I had to lean ahead of her even depending on where she was sitting. Q. So this happened on other occasions? MS. KIRKPATRICK: What happened on other occasions? Let's be clear. THE WITNESS: That I had to be in her work cubicle and look at her screen. BY MS. GURMANKIN: Q. Did that happen on other occasions? A. All the time. Q. Other occasions in which you put your head within a couple inches of hers? A. All the time. Q. Any other occasion in which you touched her hair? A. No. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MS. GURMANKIN: Q. Her hair was in your line of sight before you leaned down and after you leaned down? MS. KIRKPATRICK: That's not what he said. MS. GURMANKIN: That's the question. THE WITNESS: It was not. BY MS. GURMANKIN Q. Okay. Was it in your line of sight before you leaned down? MS. KIRKPATRICK: Was the screen in the line of sight? MS. GURMANKIN: Stop asking the question. MS. KIRKPATRICK: The question is unclear. MS. GURMANKIN: Well, then you can make an objection to form. MS. KIRKPATRICK: Well, I need to understand the question. BY MS. GURMANKIN Q. Was her hair in your line of sight

			1
	Page 141		Page 143
1	A. In line of sight of what?	1	Q. Why didn't you ask her to move the
2	Q. Of the screen.	2	screen?
3	A. Her hair was not in the line of sight	3	A. Same reason.
4	when I was looking above her head, but I can't see	4	Q. Any explanation for why you didn't?
5	the screen.	5	A. No.
6	Q. Okay. So before you leaned down, her	6	Q. So then when you lean down so your head
7	hair was not in your line of sight, but you	7	is within a couple of inches of hers, her hair is
8	couldn't see the screen because of the angle of	8	in the line of sight to the screen. Right?
9	the screen?	9	A. That's true.
10	 And I can't see at that distance. 	10	Q. Is her hair actually touching your head
11	That's more it than anything.	11	after you lean down?
12	Q. Which was it, because of the angle or	12	A. Touching my head?
13	you couldn't see at that distance?	13	Q. Yes.
14	A. More the distance.	14	A. No.
15	Q. Are you nearsighted?	15	Q. What hairstyle was she wearing at that
16	A. Yes.	16	time?
17	Q. Were you wearing your glasses at the	17	A. Her hair is just straight and hangs
18	time?	18	down.
19	A. I have computer-specific glasses that	19	Q. Was it straight and hanging down at the
20	are set at 24 inches from the screen.	20	time of this happening?
21	Q. Were you wearing those when you went	21	A. Yes.
22	over to her work station?	22	Q. All right. So you gather all of her
23	A. That's what I wear when I work.	23	hair in your hands?
24	Q. Does that help with your	24	A. No.
	D 140		
	Page 142		Page 144
1	nearsightedness?	1	
1 2		1 2	Page 144 Q. What do you do? A. I just took my thumb and pushed her
	nearsightedness?		Q. What do you do?
2	nearsightedness? A. Makes it so I can read the screen	2	Q. What do you do? A. I just took my thumb and pushed her
2	nearsightedness? A. Makes it so I can read the screen without being up against it, yes.	2	Q. What do you do? A. I just took my thumb and pushed her hair back.
2 3 4	nearsightedness? A. Makes it so I can read the screen without being up against it, yes. Q. So did you move over away from her but	2 3 4	Q. What do you do?A. I just took my thumb and pushed her hair back.Q. Which thumb?
2 3 4 5	nearsightedness? A. Makes it so I can read the screen without being up against it, yes. Q. So did you move over away from her but closer to the screen?	2 3 4 5	Q. What do you do?A. I just took my thumb and pushed her hair back.Q. Which thumb?A. I take it it would have been this one
2 3 4 5 6	nearsightedness? A. Makes it so I can read the screen without being up against it, yes. Q. So did you move over away from her but closer to the screen? A. I just did what I always did, leaned	2 3 4 5 6	 Q. What do you do? A. I just took my thumb and pushed her hair back. Q. Which thumb? A. I take it it would have been this one (indicating) to do it at the right angle.
2 3 4 5 6 7	nearsightedness? A. Makes it so I can read the screen without being up against it, yes. Q. So did you move over away from her but closer to the screen? A. I just did what I always did, leaned down alongside of her to see the screen.	2 3 4 5 6 7	 Q. What do you do? A. I just took my thumb and pushed her hair back. Q. Which thumb? A. I take it it would have been this one (indicating) to do it at the right angle. Q. Your left thumb?
2 3 4 5 6 7 8	nearsightedness? A. Makes it so I can read the screen without being up against it, yes. Q. So did you move over away from her but closer to the screen? A. I just did what I always did, leaned down alongside of her to see the screen. Q. Why didn't you move elsewhere but	2 3 4 5 6 7 8	 Q. What do you do? A. I just took my thumb and pushed her hair back. Q. Which thumb? A. I take it it would have been this one (indicating) to do it at the right angle. Q. Your left thumb? A. Yes.
2 3 4 5 6 7 8	nearsightedness? A. Makes it so I can read the screen without being up against it, yes. Q. So did you move over away from her but closer to the screen? A. I just did what I always did, leaned down alongside of her to see the screen. Q. Why didn't you move elsewhere but closer to the screen so that your head wasn't	2 3 4 5 6 7 8	 Q. What do you do? A. I just took my thumb and pushed her hair back. Q. Which thumb? A. I take it it would have been this one (indicating) to do it at the right angle. Q. Your left thumb? A. Yes. Q. And you pushed her hair over?
2 3 4 5 6 7 8 9	nearsightedness? A. Makes it so I can read the screen without being up against it, yes. Q. So did you move over away from her but closer to the screen? A. I just did what I always did, leaned down alongside of her to see the screen. Q. Why didn't you move elsewhere but closer to the screen so that your head wasn't within a couple of inches of hers?	2 3 4 5 6 7 8 9	Q. What do you do? A. I just took my thumb and pushed her hair back. Q. Which thumb? A. I take it it would have been this one (indicating) to do it at the right angle. Q. Your left thumb? A. Yes. Q. And you pushed her hair over? A. Just pushed it back on to her shoulder,
2 3 4 5 6 7 8 9 10	nearsightedness? A. Makes it so I can read the screen without being up against it, yes. Q. So did you move over away from her but closer to the screen? A. I just did what I always did, leaned down alongside of her to see the screen. Q. Why didn't you move elsewhere but closer to the screen so that your head wasn't within a couple of inches of hers? A. Because she was sitting right there.	2 3 4 5 6 7 8 9 10	Q. What do you do? A. I just took my thumb and pushed her hair back. Q. Which thumb? A. I take it it would have been this one (indicating) to do it at the right angle. Q. Your left thumb? A. Yes. Q. And you pushed her hair over? A. Just pushed it back on to her shoulder, yes.
2 3 4 5 6 7 8 9 10 11	nearsightedness? A. Makes it so I can read the screen without being up against it, yes. Q. So did you move over away from her but closer to the screen? A. I just did what I always did, leaned down alongside of her to see the screen. Q. Why didn't you move elsewhere but closer to the screen so that your head wasn't within a couple of inches of hers? A. Because she was sitting right there. Q. Why didn't you ask her to move?	2 3 4 5 6 7 8 9 10 11 12	Q. What do you do? A. I just took my thumb and pushed her hair back. Q. Which thumb? A. I take it it would have been this one (indicating) to do it at the right angle. Q. Your left thumb? A. Yes. Q. And you pushed her hair over? A. Just pushed it back on to her shoulder, yes. Q. Did you touch her any part of her
2 3 4 5 6 7 8 9 10 11 12 13	nearsightedness? A. Makes it so I can read the screen without being up against it, yes. Q. So did you move over away from her but closer to the screen? A. I just did what I always did, leaned down alongside of her to see the screen. Q. Why didn't you move elsewhere but closer to the screen so that your head wasn't within a couple of inches of hers? A. Because she was sitting right there. Q. Why didn't you ask her to move? A. I didn't want to inconvenience her to move. I just wanted to see the screen. Q. Did you ask her whether it would be an	2 3 4 5 6 7 8 9 10 11 12 13	Q. What do you do? A. I just took my thumb and pushed her hair back. Q. Which thumb? A. I take it it would have been this one (indicating) to do it at the right angle. Q. Your left thumb? A. Yes. Q. And you pushed her hair over? A. Just pushed it back on to her shoulder, yes. Q. Did you touch her any part of her body while you were doing this? A. I don't think so, no. Q. Are you sure when you gathered her hair
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	nearsightedness? A. Makes it so I can read the screen without being up against it, yes. Q. So did you move over away from her but closer to the screen? A. I just did what I always did, leaned down alongside of her to see the screen. Q. Why didn't you move elsewhere but closer to the screen so that your head wasn't within a couple of inches of hers? A. Because she was sitting right there. Q. Why didn't you ask her to move? A. I didn't want to inconvenience her to move. I just wanted to see the screen. Q. Did you ask her whether it would be an inconvenience for her to move? A. I did not.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. What do you do? A. I just took my thumb and pushed her hair back. Q. Which thumb? A. I take it it would have been this one (indicating) to do it at the right angle. Q. Your left thumb? A. Yes. Q. And you pushed her hair over? A. Just pushed it back on to her shoulder, yes. Q. Did you touch her any part of her body while you were doing this? A. I don't think so, no. Q. Are you sure when you gathered her hair with your thumb you didn't touch any part of her body? A. No. No, I didn't. Q. And did you push it over her shoulder?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	nearsightedness? A. Makes it so I can read the screen without being up against it, yes. Q. So did you move over away from her but closer to the screen? A. I just did what I always did, leaned down alongside of her to see the screen. Q. Why didn't you move elsewhere but closer to the screen so that your head wasn't within a couple of inches of hers? A. Because she was sitting right there. Q. Why didn't you ask her to move? A. I didn't want to inconvenience her to move. I just wanted to see the screen. Q. Did you ask her whether it would be an inconvenience for her to move? A. I did not. Q. She could have moved her chair a couple inches. Right? A. Yes. Q. You didn't ask her to do that, did you?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. What do you do? A. I just took my thumb and pushed her hair back. Q. Which thumb? A. I take it it would have been this one (indicating) to do it at the right angle. Q. Your left thumb? A. Yes. Q. And you pushed her hair over? A. Just pushed it back on to her shoulder, yes. Q. Did you touch her any part of her body while you were doing this? A. I don't think so, no. Q. Are you sure when you gathered her hair with your thumb you didn't touch any part of her body? A. No. No, I didn't. Q. And did you push it over her shoulder? A. Onto her shoulder, yes. Q. Did you ask her before you did this if
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	nearsightedness? A. Makes it so I can read the screen without being up against it, yes. Q. So did you move over away from her but closer to the screen? A. I just did what I always did, leaned down alongside of her to see the screen. Q. Why didn't you move elsewhere but closer to the screen so that your head wasn't within a couple of inches of hers? A. Because she was sitting right there. Q. Why didn't you ask her to move? A. I didn't want to inconvenience her to move. I just wanted to see the screen. Q. Did you ask her whether it would be an inconvenience for her to move? A. I did not. Q. She could have moved her chair a couple inches. Right? A. Yes. Q. You didn't ask her to do that, did you? A. I did not.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. What do you do? A. I just took my thumb and pushed her hair back. Q. Which thumb? A. I take it it would have been this one (indicating) to do it at the right angle. Q. Your left thumb? A. Yes. Q. And you pushed her hair over? A. Just pushed it back on to her shoulder, yes. Q. Did you touch her any part of her body while you were doing this? A. I don't think so, no. Q. Are you sure when you gathered her hair with your thumb you didn't touch any part of her body? A. No. No, I didn't. Q. And did you push it over her shoulder? A. Onto her shoulder, yes. Q. Did you ask her before you did this if that was okay with her?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	nearsightedness? A. Makes it so I can read the screen without being up against it, yes. Q. So did you move over away from her but closer to the screen? A. I just did what I always did, leaned down alongside of her to see the screen. Q. Why didn't you move elsewhere but closer to the screen so that your head wasn't within a couple of inches of hers? A. Because she was sitting right there. Q. Why didn't you ask her to move? A. I didn't want to inconvenience her to move. I just wanted to see the screen. Q. Did you ask her whether it would be an inconvenience for her to move? A. I did not. Q. She could have moved her chair a couple inches. Right? A. Yes. Q. You didn't ask her to do that, did you? A. I did not. Q. Any explanation for why you didn't?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. What do you do? A. I just took my thumb and pushed her hair back. Q. Which thumb? A. I take it it would have been this one (indicating) to do it at the right angle. Q. Your left thumb? A. Yes. Q. And you pushed her hair over? A. Just pushed it back on to her shoulder, yes. Q. Did you touch her any part of her body while you were doing this? A. I don't think so, no. Q. Are you sure when you gathered her hair with your thumb you didn't touch any part of her body? A. No. No, I didn't. Q. And did you push it over her shoulder? A. Onto her shoulder, yes. Q. Did you ask her before you did this if that was okay with her? A. I did not.
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	Page 145		Page 147
1	A. I didn't think to I didn't I	1	A. I don't know that.
2	didn't see it as offensive.	2	Q. What did she say to you?
3	Q. Did you ask her if she found it	3	A. Not to touch her.
4	offensive or uncomfortable before you did it?	4	Q. What did you say?
5	A. No, I did not.	5	A. I said okay.
6	Q. Why not?	6	Q. Did you apologize?
7	A. I didn't think to ask that question.	7	A. I did not apologize.
8	Q. How long was your thumb gathered around	8	Q. Why?
9	her hair?	9	A. I just thought it would maybe make the
10	A. A second or two.	10	situation worse.
11	Q. Anyone else around who you think would	11	Q. Why? Because you would have been
12	have seen this?	12	acknowledging wrongdoing?
13	A. I think there was someone there that	13	MS. KIRKPATRICK: Objection. That's
14	caused us to be in closer proximity than normal.	14	not what he said.
15	Q. Someone else in her work station?	15	MS. GURMANKIN: Yeah. I'm asking. Is
16	A. I believe so.	16	that why you didn't apologize?
17	Q. Was someone else in the work station	17	MS. KIRKPATRICK: Objection.
18	when you entered the work station to help her?	18	THE WITNESS: No.
19	A. I think so, yeah.	19	BY MS. GURMANKIN
20	Q. Who was it?	20	Q. Any explanation for why you didn't
21	A. I believe it was Hondo. Hondo Blakely.	21	apologize?
22	Q. Do you know why he would have been	22	MS. KIRKPATRICK: He just said because
23	there?	23	it might make the situation worse.
24	A. I believe he was getting financial	24	THE WITNESS: That's that's why.
	Page 146		Page 148
1	information. The cost of something.	1	BY MS. GURMANKIN
2	Q. So was he sitting or standing in the	2	Q. Why? Why would you think that?
3	work station?	3	A. I don't know why I would think that.
4	A. He would have been standing, too.	4	Q. No explanation for that?
5	Q. Was he standing?	5 6	A. That was my thought.
6 7	A. I would guess.	7	MS. KIRKPATRICK: Objection. BY MS. GURMANKIN:
	Q. Do you recall?		
8 9	A. I don't ever recall him sitting there.	8 9	Q. No explanation for why you thought that. Right?
10	So I would say standing. Q. Did he see you do this, to your	10	•
11		11	MS. KIRKPATRICK: Objection.
12	knowledge? A. I think so.	12	THE WITNESS: Yeah. I just thought it would make the situation worse.
13	Q. Was there any way he could have missed	13	BY MS. GURMANKIN:
14	it, if he was standing right there?	14	Q. Did you ask her if it would make it
15	A. I don't know that.	15	worse if you apologized?
16	Q. Did he say anything to you when you did	16	A. No.
17	it?	17	Q. Had you ever done that to any female
18	A. He did not, no.	18	employee before doing it to Jesse?
19	Q. Did Jesse?	19	A. No.
20	A. No. She did not then, no.	20	Q. Did you ever touch a female employee's
21	Q. At some point?	21	hair other than that during your time at Shell?
22	A. Afterwards she told me not to touch	22	A. Not that I recall.
23	her.	23	Q. Did you tell anyone about that at the
24	Q. How soon after that?	24	time?
		I	

	Page 149	Page 15
1	A. I did not.	1 Q. You said she has something against Da
2	Q. Did you think you were doing anything	2 What is your basis for that?
3	wrong when you did it?	3 A. She said so.
4	A. No, I did not.	4 Q. She told you she has something against
5	Q. Prior to you doing that, you had	5 Dan?
6	training at Shell on the anti-harassment,	6 A. Oh, she told everyone she didn't like
7	anti-discrimination policy. Correct?	7 Dan.
8	A. I believe so.	8 Q. Did she tell you that she has something
9	Q. Is that the only time that you touched	9 against Dan?
10	Jesse's hair like that?	10 A. Not in those words.
11	A. Yes.	11 Q. What words did she use?
12	Q. Is that the only time that you touched	12 A. I don't like him.
13	her hair, period?	13 Q. Did she say why?
14	A. Yes.	14 A. Because he stinks.
15	Q. All right. Going back to page two of	15 Q. Is that what she said?
16	Exhibit 22. If you look under that first bullet	16 A. Yes.
17	point on the top of the second page, after the	17 Q. Did you know what she meant by that?
18	question gets offended. You said to Kloosterman,	18 A. Yes.
19	"She gets set off pretty easily."	19 Q. What?
20	What did you mean by that?	20 A. That she didn't like him because he
21	A. She just gets mad easy.	21 stank.
22	Q. When?	22 Q. His smell or his performance or his
23	A. When she gets upset.	23 work?
24	Q. One example being when you touched her	24 A. Smell.
	Page 150	Page 15
	1490 150	rage 13
1	hair?	1 Q. She said she didn't like him because he
1 2	hair? A. I would say yes.	
	hair? A. I would say yes. Q. Did you tell Kloosterman that was an	Q. She said she didn't like him because he smelled; well she used the word stink? A. I believe so.
2	hair? A. I would say yes. Q. Did you tell Kloosterman that was an example of what you meant when you said she gets	Q. She said she didn't like him because he smelled; well she used the word stink? A. I believe so. Q. Is this just to you?
2	hair? A. I would say yes. Q. Did you tell Kloosterman that was an example of what you meant when you said she gets set off pretty easily?	Q. She said she didn't like him because he smelled; well she used the word stink? A. I believe so. Q. Is this just to you? A. No. To him, as well.
2 3 4 5 6	hair? A. I would say yes. Q. Did you tell Kloosterman that was an example of what you meant when you said she gets set off pretty easily? A. I did not tell her that.	Q. She said she didn't like him because he smelled; well she used the word stink? A. I believe so. Q. Is this just to you? A. No. To him, as well. Q. Okay. But I mean she told you one on
2 3 4 5	hair? A. I would say yes. Q. Did you tell Kloosterman that was an example of what you meant when you said she gets set off pretty easily? A. I did not tell her that. Q. How come?	Q. She said she didn't like him because he smelled; well she used the word stink? A. I believe so. Q. Is this just to you? A. No. To him, as well. Q. Okay. But I mean she told you one on one that she didn't like Dan because he stank?
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2 3 4 5 6 7 8	hair? A. I would say yes. Q. Did you tell Kloosterman that was an example of what you meant when you said she gets set off pretty easily? A. I did not tell her that. Q. How come? A. I don't know that I was asked. Q. Were you told that you could only	Q. She said she didn't like him because he smelled; well she used the word stink? A. I believe so. Q. Is this just to you? A. No. To him, as well. Q. Okay. But I mean she told you one on one that she didn't like Dan because he stank? A. No. I think she said it to both of us. Q. At the same time?
2 3 4 5 6 7 8 9	hair? A. I would say yes. Q. Did you tell Kloosterman that was an example of what you meant when you said she gets set off pretty easily? A. I did not tell her that. Q. How come? A. I don't know that I was asked. Q. Were you told that you could only answer to specific questions that you were asked?	Q. She said she didn't like him because he smelled; well she used the word stink? A. I believe so. Q. Is this just to you? A. No. To him, as well. Q. Okay. But I mean she told you one on one that she didn't like Dan because he stank? A. No. I think she said it to both of us. Q. At the same time? A. Yes.
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2 3 4 5 6 7 8 9 10 11 12 13	hair? A. I would say yes. Q. Did you tell Kloosterman that was an example of what you meant when you said she gets set off pretty easily? A. I did not tell her that. Q. How come? A. I don't know that I was asked. Q. Were you told that you could only answer to specific questions that you were asked? A. No. Q. Were you asked specifically if Jesse gets set off pretty easily?	Q. She said she didn't like him because he smelled; well she used the word stink? A. I believe so. Q. Is this just to you? A. No. To him, as well. Q. Okay. But I mean she told you one on one that she didn't like Dan because he stank? A. No. I think she said it to both of us. Q. At the same time? A. Yes. Q. When was this? A. After he started working there. Q. When?
2 3 4 5 6 7 8 9 10 11 12 13 14	hair? A. I would say yes. Q. Did you tell Kloosterman that was an example of what you meant when you said she gets set off pretty easily? A. I did not tell her that. Q. How come? A. I don't know that I was asked. Q. Were you told that you could only answer to specific questions that you were asked? A. No. Q. Were you asked specifically if Jesse gets set off pretty easily? A. I don't believe so, no.	Q. She said she didn't like him because he smelled; well she used the word stink? A. I believe so. Q. Is this just to you? A. No. To him, as well. Q. Okay. But I mean she told you one on one that she didn't like Dan because he stank? A. No. I think she said it to both of us. Q. At the same time? A. Yes. Q. When was this? A. After he started working there. Q. When? A. I don't know when.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	hair? A. I would say yes. Q. Did you tell Kloosterman that was an example of what you meant when you said she gets set off pretty easily? A. I did not tell her that. Q. How come? A. I don't know that I was asked. Q. Were you told that you could only answer to specific questions that you were asked? A. No. Q. Were you asked specifically if Jesse gets set off pretty easily? A. I don't believe so, no. Q. So why did you say that she gets set off pretty easily, even though you weren't specifically asked? A. Because she does. Q. But she also one example of that was when you touched her hair. Right? A. Yes.	Q. She said she didn't like him because he smelled; well she used the word stink? A. I believe so. Q. Is this just to you? A. No. To him, as well. Q. Okay. But I mean she told you one on one that she didn't like Dan because he stank? A. No. I think she said it to both of us. Q. At the same time? A. Yes. Q. When was this? A. After he started working there. Q. When? A. I don't know when. Q. Did you say anything when she said this? A. No. Q. Did he? A. I don't recall. Q. What was the context? Did she just come up to the two of you and say she doesn't like
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	hair? A. I would say yes. Q. Did you tell Kloosterman that was an example of what you meant when you said she gets set off pretty easily? A. I did not tell her that. Q. How come? A. I don't know that I was asked. Q. Were you told that you could only answer to specific questions that you were asked? A. No. Q. Were you asked specifically if Jesse gets set off pretty easily? A. I don't believe so, no. Q. So why did you say that she gets set off pretty easily, even though you weren't specifically asked? A. Because she does. Q. But she also one example of that was when you touched her hair. Right? A. Yes. Q. So why didn't you tell Kloosterman	Q. She said she didn't like him because he smelled; well she used the word stink? A. I believe so. Q. Is this just to you? A. No. To him, as well. Q. Okay. But I mean she told you one on one that she didn't like Dan because he stank? A. No. I think she said it to both of us. Q. At the same time? A. Yes. Q. When was this? A. After he started working there. Q. When? A. I don't know when. Q. Did you say anything when she said this? A. No. Q. Did he? A. I don't recall. Q. What was the context? Did she just come up to the two of you and say she doesn't like Dan because he stinks?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	hair? A. I would say yes. Q. Did you tell Kloosterman that was an example of what you meant when you said she gets set off pretty easily? A. I did not tell her that. Q. How come? A. I don't know that I was asked. Q. Were you told that you could only answer to specific questions that you were asked? A. No. Q. Were you asked specifically if Jesse gets set off pretty easily? A. I don't believe so, no. Q. So why did you say that she gets set off pretty easily, even though you weren't specifically asked? A. Because she does. Q. But she also one example of that was when you touched her hair. Right? A. Yes.	Q. She said she didn't like him because he smelled; well she used the word stink? A. I believe so. Q. Is this just to you? A. No. To him, as well. Q. Okay. But I mean she told you one on one that she didn't like Dan because he stank? A. No. I think she said it to both of us. Q. At the same time? A. Yes. Q. When was this? A. After he started working there. Q. When? A. I don't know when. Q. Did you say anything when she said this? A. No. Q. Did he? A. I don't recall. Q. What was the context? Did she just come up to the two of you and say she doesn't like

Page 153 Page 155 Q. But you don't recall what the rest of 1 1 Q. Are you trying to suggest to 2 the discussion was? 2 Kloosterman that there is? 3 3 A. I do not. A. No. 4 Q. Did you tell Kloosterman that she had 4 Q. You go on to say, "She doesn't like to 5 said she didn't like Dan because he stinks? 5 take advice from older people. Occasionally she A. I don't know if I did or didn't. 6 6 has taken time off and things become known. She 7 Q. You don't remember? 7 keeps them separate way better than the guys do." 8 A. I do not remember. 8 What things became known? A. I don't know what it was I was talking 9 9 Q. Did Kloosterman ask you what she had 10 against Dan? 10 about that time. 11 A. I don't know that, either. 11 Q. You go on to say, "As far as Will 12 Q. You don't remember? 12 prying in on that, a lot of times conversations 13 A. No. I don't. 13 between those two don't happen at our cubicle. 14 Q. Do you remember if Kloosterman asked 14 Will is always talking. I've never seen him talk 15 15 you whether what she had against Dan was that Dan with an agenda. He likes to hear himself talk. harassed her or acted inappropriately towards her? 16 I've worked for narcissistic people who are way 16 MS. KIRKPATRICK: Objection. 17 worse." 17 18 THE WITNESS: Ask that again. 18 Did you think Turney was narcissistic? 19 MS. GURMANKIN: Um-hmm. 19 A. He was very proud of his 20 BY MS. GURMANKIN 20 accomplishments. Q. Did Kloosterman ask you whether what 2.1 21 Q. Does that mean narcissistic? Jesse had against Dan had to do with anything 22 22 A. He was proud of his accomplishments. inappropriate that Dan did? 23 23 I'll go that far. MS. KIRKPATRICK: Objection. 24 24 Q. Is that what you meant by narcissistic? Page 154 Page 156 1 THE WITNESS: I don't know that. 1 A. Yes. 2 Q. What -- did he brag about his 2 BY MS. GURMANKIN 3 Q. All right. Going to the chart on page 3 accomplishments? 4 two. We'll start with the first claim. "I am 4 A. He was proud that he had worked his way 5 5 up from being a laborer to a supervisor. continuously asked about my personal life by my 6 supervisor." 6 Q. So what about that did you think was 7 And then your response, according to 7 narcissistic? 8 Kloosterman is, "She is a very private person. 8 A. He just talked about himself a lot. 9 Q. Do you think it was inappropriate? She doesn't talk about enough to let people into 9 10 her life enough to be able to help her." 10 11 What are you talking about? 11 Q. Did you ever hear Turney ask Jesse 12 12 A. So I'm reading here. What was your about her personal life? 13 question? 13 A. No. Q. Did you ever hear Turney ask Jesse on 14 Q. What are you talking about? 14 Monday mornings or Mondays if he missed her -- if 15 A. You're going to have to ask more of a 15 she missed him over the weekend? 16 question than that. 16 17 17 Q. When you said she doesn't talk about A. No. 18 enough to let people into her life enough to be 18 Q. Did you ever hear him say that to 19 able to help her, what are you talking about? 19 anyone? 20 A. I don't know what I was talking about 20 A. No. Q. Next claim in the chart. "My 21 at that time. 21 22 Q. Did you think there was anything 22 supervisor touches my arm and/or leg the majority 23 inappropriate about Jesse being private? 23 of the time I have a meeting or talk to him one on one." 2.4 A. No. 24

Page 157 Page 159 say anything to anyone at Shell about what you saw 1 You say, according to Kloosterman, "Any 1 2 touch is too much. She does not like to be 2 with Dalton from Calgary trying to give her a hug? 3 3 MS. KIRKPATRICK: Other than what you touched. I don't know if she (sic) has touched 4 her." 4 may have said to counsel. 5 What did you mean when you said any 5 THE WITNESS: No. I don't think so. 6 touch is too much, she does not like to be 6 No. 7 touched? 7 BY MS. GURMANKIN 8 A. I knew that Jesse didn't like to be 8 Q. Did he stop trying to give her a hug 9 9 touched, because I had seen her reaction when I when he saw her reaction? 10 touched her or when other people touched her that 10 A. Yeah. Yeah. she didn't like to be touched. 11 Q. Did he say anything? 11 12 A. I don't recall. I don't think so, but 12 Q. Who else touched her? 13 A. His name I will come up with. Dalton 13 I don't recall. 14 Marshal. 14 Q. Did you ever see Turney touch Jesse? 15 15 Q. Who is that? A. No. A. Our trainer from Calgary. 16 Q. Did you ever see Turney touch a female 16 Q. Man? 17 employee or contractor with Shell? 17 18 A. Yes. 18 A. No. I don't think so. No. 19 Q. When did he touch her? 19 Q. So going back to the second claim in A. When he arrived from Calgary one day. 20 20 the chart on page two. You said, "If it happened Q. Tell me what happened. 21 21 and I was a witness to it, it wasn't in a sexual 22 A. He tried to greet Jesse with a hug and 22 way." 23 she wasn't receptive to that. 23 What are you talking about? 24 Q. Did he actually hug her? 24 A. I -- yeah, I don't know that I ever Page 160 Page 158 1 A. I don't know that he hugged her. He 1 seen him touch anyone. So ... 2 Q. Okay. Well, you're not sure if you saw 2 started to or tried to, and her reaction said 3 don't do that. 3 him touch Jesse, or you never saw him touch Jesse? 4 Q. So he got as far as touching her? 4 MS. KIRKPATRICK: Objection. He said A. Yes. 5 he never saw it. 5 THE WITNESS: I never saw him touch 6 Q. And what was her reaction? 6 7 A. She pulled away or she did something. 7 Jesse. 8 BY MS. GURMANKIN 8 I don't know exactly what. Q. All right. Then why did you say it 9 9 Q. But enough to indicate she didn't 10 10 want -wasn't in a sexual way, if it happened and I was a 11 A. To be touched. 11 witness to it? Explain that to me. 12 12 Q. -- to be touched. You saw this? A. Well, it might have been like 13 13 A. I did. inadvertent touching or something like that. You 14 Q. Anyone else around? 14 know, they touch -- their hands touched or 15 15 A. I don't know. something. 16 Q. Did you say anything? 16 Q. You never saw Turney touch her at all. 17 17 Right? A. Not then. 18 Q. At some point? 18 A. That's what I'm saying there. If I was there and they touched, it wasn't anything meant 19 A. You're going to have to ask a clearer 19 20 20 question than that. by it. It was just a touch. Q. Well, how can you say that if you never 2.1 Q. You said you didn't say anything then. 21 saw them touching? 22 Did you say something at some point after that? 22 23 23 A. Now? A. I can't say that I ever did see them 24 Q. No. Between then and today, did you 24 touching.

	Page 161		Page 163
1	Q. Did you tell Kloosterman I never saw	1	MS. KIRKPATRICK: Objection. We
2	them wait. I'm sorry. Did you you can't	2	already went through this. You can tell her
3	say that you never saw them touching? Is that	3	again.
4	what you just said?	4	THE WITNESS: I never seen her touch
5	MS. KIRKPATRICK: Objection. That's	5	yeah seen him touch her. I don't know what was
6	not what he said.	6	asked of me. I don't know why that answer is
7	THE WITNESS: I never I don't recall	7	that.
8	ever seeing them touch.	8	BY MS. GURMANKIN:
9	BY MS. GURMANKIN	9	Q. Did you have any explanation as to why
10	Q. Okay. Can you testify under oath that	10	you never told Kloosterman that you never saw
11	you never saw them touching?	11	Turney touch Jesse?
12	MS. KIRKPATRICK: He just did. Answer	12	MS. KIRKPATRICK: Objection. He said
	-	13	he doesn't know whether the question was asked.
13 14	the question. BY MS. GURMANKIN	14	MS. GURMANKIN: That wasn't my
		15	
15	Q. Is your testimony under oath that you	16	question.
16	never saw Turney touch Jesse?		BY MS. GURMANKIN
17	A. Yes.	17	Q. Did you have any explanation for why
18	Q. Okay. Why didn't you tell Kloosterman	18	you never told Kloosterman that you never saw
19	that?	19	Turney touch Jesse?
20	A. I don't know.	20	MS. KIRKPATRICK: Objection. He said
21	Q. Did you?	21	he doesn't know what question was asked. You can
22	MS. KIRKPATRICK: Well, I don't know if	22	tell her again.
23	she has.	23	MS. GURMANKIN: That wasn't my
24		24	question.
	Page 162		Page 164
1		1	
1 2	BY MS. GURMANKIN:	1 2	Page 164 MS. KIRKPATRICK: And you can give her the same answer.
	BY MS. GURMANKIN: Q. Did you tell Kloosterman that?		MS. KIRKPATRICK: And you can give her
2	BY MS. GURMANKIN: Q. Did you tell Kloosterman that? A. I think she wrote down what I said.	2	MS. KIRKPATRICK: And you can give her the same answer. BY MS. GURMANKIN
2	BY MS. GURMANKIN: Q. Did you tell Kloosterman that? A. I think she wrote down what I said. Q. Well, it doesn't look like from what	2 3	MS. KIRKPATRICK: And you can give her the same answer. BY MS. GURMANKIN Q. My question is do you have any
2 3 4	BY MS. GURMANKIN: Q. Did you tell Kloosterman that? A. I think she wrote down what I said. Q. Well, it doesn't look like from what she wrote down that you told her that. Right?	2 3 4	MS. KIRKPATRICK: And you can give her the same answer. BY MS. GURMANKIN Q. My question is do you have any explanation for why you didn't tell Kloosterman
2 3 4 5	BY MS. GURMANKIN: Q. Did you tell Kloosterman that? A. I think she wrote down what I said. Q. Well, it doesn't look like from what she wrote down that you told her that. Right? MS. KIRKPATRICK: Objection.	2 3 4 5	MS. KIRKPATRICK: And you can give her the same answer. BY MS. GURMANKIN Q. My question is do you have any explanation for why you didn't tell Kloosterman that you never saw Turney touch Jesse?
2 3 4 5 6	BY MS. GURMANKIN: Q. Did you tell Kloosterman that? A. I think she wrote down what I said. Q. Well, it doesn't look like from what she wrote down that you told her that. Right? MS. KIRKPATRICK: Objection. THE WITNESS: I don't know how the	2 3 4 5 6 7	MS. KIRKPATRICK: And you can give her the same answer. BY MS. GURMANKIN Q. My question is do you have any explanation for why you didn't tell Kloosterman that you never saw Turney touch Jesse? MS. KIRKPATRICK: Objection. He
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	Page 165		Page 167
1	MS. KIRKPATRICK: Objection.	1	Jesse had been mad at you and Dan?
2	THE WITNESS: I don't know if I was	2	A. I don't know.
3	asked that.	3	Q. You don't remember?
4	BY MS. GURMANKIN	4	A. Yeah. I just don't know.
5	Q. You gave information that you weren't	5	Q. All right. Well, in any case, you did
6	specifically asked about. We have talked about	6	tell her that you thought Jesse had something
7	that throughout this deposition. Right?	7	against Dan, even though she didn't specifically
8	MS. KIRKPATRICK: Objection. It's not	8	ask you.
9	what he said.	9	MS. KIRKPATRICK: Objection.
10	MS. GURMANKIN: Right?	10	BY MS. GURMANKIN
11	MS. KIRKPATRICK: He answered the	11	Q. So why wouldn't you tell her that you
12	question.	12	never saw Turney touch Jesse even if she didn't
13	THE WITNESS: What was	13	specifically ask you?
14	BY MS. GURMANKIN:	14	MS. KIRKPATRICK: Objection.
15	Q. You gave Kloosterman information that	15	THE WITNESS: I was just volunteering
16	she did not specifically ask you during the	16	information, I guess. I don't know.
17	meeting. Right?	17	BY MS. GURMANKIN
18	MS. KIRKPATRICK: Objection. That's	18	Q. Why didn't you volunteer that
19	not what he said.	19	information?
20	BY MS. GURMANKIN	20	A. Ask that question again.
21	Q. Is that right?	21	Q. Sure. Why didn't you volunteer that
22	A. I don't know what I was asked.	22	information, that you never saw Turney touch
23	Q. Well, let's go through this again.	23	Jesse?
24	We talked about the fact that you told	24	MS. KIRKPATRICK: He says if it
	,		Me. M. M. M. M. Me saye in K
	Page 166		Page 168
1	Kloosterman that you thought Jesse had something	1	Page 168 happened.
1 2	Kloosterman that you thought Jesse had something against Dan, even though she didn't specifically	1 2	happened. THE WITNESS: Yeah.
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	Page 169		Page 171
1	saw Turney touch Jesse. Right?	1	al. We are going off the record at 3:00 p.m.
2	A. That's what I testified.	2	(A recess was taken from 3:00 to 3:11
3	MS. KIRKPATRICK: Objection. That's	3	p.m.)
4	what he said then, too.	4	THE VIDEOGRAPHER: We are going back on
5	BY MS. GURMANKIN:	5	the record at 3:11 p.m.
6	Q. So why didn't you tell Kloosterman that	6	BY MS. GURMANKIN
7	you never saw Turney touch Jesse; not I don't know	7	Q. Have you spoken to anyone during the
8	if he's touched her but that you never saw it?	8	breaks in your deposition today?
9	A. I don't know if that was	9	A. No.
10	MS. KIRKPATRICK: Objection.	10	Q. Going back to page two of Exhibit 22.
11	THE WITNESS: the question that was	11	Second row on the chart, the last sentence you
12	asked.	12	say, according to Kloosterman, "He is outgoing, so
13	BY MS. GURMANKIN:	13	friendly touches would not be surprising."
14	Q. Regardless of whether it was the	14	What did you mean by friendly touches?
15	question, did you ever tell Kloosterman that you	15	A. Just like Will touching people or
		16	something like that (indicating) would not be I
16 17	never saw Turney touch Jesse?	17	know that he's touched me in a meeting or
	MS. KIRKPATRICK: Objection. Asked and		-
18	answered a hundred times.	18	something like that; hey, hey, hey (indicating),
19	THE WITNESS: Yeah.	19 20	you know, something like that.
20	MS. GURMANKIN: What's your answer?		Q. Has he touched you in a meeting?
21	MS. KIRKPATRICK: You can keep telling	21	A. Just like on my arm or my leg or
22	her.	22	something.
23	BY MS. GURMANKIN:	23	Q. Where on your leg?
24	Q. Did you tell Kloosterman that you never	24	A. Just on the big part of my leg, the
	Page 170		Page 172
1	saw Turney touch Jesse?	1	top, I guess.
2	MS. KIRKPATRICK: Objection.	2	Q. Your thigh?
3	THE WITNESS: I don't think I did.	3	A. Yeah. Or (indicating) whatever on
4	BY MS. GURMANKIN:	4	my leg.
5	Q. Why?	5	Q. On your thigh or your lower leg?
6	A. I don't know.	6	MS. KIRKPATRICK: Do you know what the
7	Q. You don't know why. Right?	7	thigh is? He's indicating his upper leg.
8	MS. KIRKPATRICK: Objection.	8	THE WITNESS: Upper leg.
9	THE WITNESS: Don't what was your	9	BY MS. GURMANKIN
10	question now?	10	Q. Do you know that's your thigh?
11	BY MS. GURMANKIN	11	A. I do now.
12	Q. Did you tell Kloosterman that you never	12	Q. You never heard that before?
13	saw Turney touch Jesse?	13	A. I'm not sure.
14	MS. KIRKPATRICK: Objection.	14	Q. How did Turney touch you on your thigh?
	THE WITNESS: I don't know if I did.	15	A. Like with his hand (indicating), to get
15		1	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
15 16	BY MS. GURMANKIN:	16	my attention to write something down or do
	BY MS. GURMANKIN: Q. You don't remember?	16 17	my attention to write something down or do something like that.
16	Q. You don't remember?		something like that.
16 17	Q. You don't remember?A. Right.	17	
16 17 18	Q. You don't remember?A. Right.MS. KIRKPATRICK: Objection.	17 18	something like that. Q. Did he rest his hand on your thigh? A. No.
16 17 18 19	Q. You don't remember?A. Right.MS. KIRKPATRICK: Objection.MS. GURMANKIN: Okay. Take a break to	17 18 19	something like that. Q. Did he rest his hand on your thigh? A. No. Q. How long did he have his hand on your
16 17 18 19 20	Q. You don't remember?A. Right.MS. KIRKPATRICK: Objection.	17 18 19 20	something like that. Q. Did he rest his hand on your thigh? A. No. Q. How long did he have his hand on your thigh?
16 17 18 19 20 21	 Q. You don't remember? A. Right. MS. KIRKPATRICK: Objection. MS. GURMANKIN: Okay. Take a break to change the tape. THE VIDEOGRAPHER: This will conclude 	17 18 19 20 21	something like that. Q. Did he rest his hand on your thigh? A. No. Q. How long did he have his hand on your thigh? A. It was just like touching.
16 17 18 19 20 21	Q. You don't remember?A. Right.MS. KIRKPATRICK: Objection.MS. GURMANKIN: Okay. Take a break to change the tape.	17 18 19 20 21 22	something like that. Q. Did he rest his hand on your thigh? A. No. Q. How long did he have his hand on your thigh?

	Page 173		Page 175
1	question is.	1	this column about touching, is there anywhere in
2	Q. How many times did he touch your thigh?	2	there where her notes indicate where you told her
3	A. You are going to have to ask a bigger	3	that you touched Jesse's hair?
4	question than that.	4	A. Where am I looking at?
5	Q. Sure. During your employment, how many	5	Q. Second row of the claims chart on page
6	times did Turney touch your thigh?	6	two.
7	A. So there's one time that I remember.	7	MS. KIRKPATRICK: "My supervisor
8	Q. Um-hmm.	8	touches my arm and/or leg."
9	A. And it was like tap, tap, tap kind of	9	THE WITNESS: I'm there.
10	thing (indicating). That's why I'm asking. So	10	BY MS. GURMANKIN:
11	three or something.	11	Q. Yep. Looking at your response that
12	Q. All on your thigh?	12	we've been talking about, anywhere in there that
13	A. Yeah, like (indicating) hey. Get my	13	it indicates that you told Kloosterman that you
14	attention kind of thing.	14	touched Jesse's hair?
15	Q. Um-hmm. Did he ever lean against you?	15	A. No.
16	THE COURT REPORTER: I'm sorry. Did he	16	Q. Do you recall now whether or not you
17	ever?	17	told her that?
18	MS. GURMANKIN: Lean.	18	MS. KIRKPATRICK: We went through this.
19	THE COURT REPORTER: Thank you.	19	MS. GURMANKIN: He went back and forth.
20	THE WITNESS: Not that I recall.	20	I'm asking what his recollection is right now.
21	BY MS. GURMANKIN:	21	THE WITNESS: It's over on four.
22	Q. Did he ever put his arm around your	22	Right?
23	waist?	23	MS. KIRKPATRICK: So to get to the next
24	A. No.	24	page, if you want page four, you have to do this.
	7 110.		page, ii you want page tour, you have to do this.
	D 104		
	Page 174		Page 176
1	Q. Did you ever see him touch anyone else	1	Page 176 You can't just swipe it with your finger.
1 2		1 2	
	Q. Did you ever see him touch anyone else		You can't just swipe it with your finger.
2	Q. Did you ever see him touch anyone else or just you?	2	You can't just swipe it with your finger. THE WITNESS: So she asked me and I
2	Q. Did you ever see him touch anyone else or just you? A. I don't know if I have ever seen him	2 3	You can't just swipe it with your finger. THE WITNESS: So she asked me and I told her yeah.
2 3 4	Q. Did you ever see him touch anyone else or just you? A. I don't know if I have ever seen him touch anyone else. I can't say for a fact that I	2 3 4	You can't just swipe it with your finger. THE WITNESS: So she asked me and I told her yeah. BY MS. GURMANKIN:
2 3 4 5	Q. Did you ever see him touch anyone else or just you? A. I don't know if I have ever seen him touch anyone else. I can't say for a fact that I have. Q. Not that you can think of, as you sit here today. Right?	2 3 4 5	You can't just swipe it with your finger. THE WITNESS: So she asked me and I told her yeah. BY MS. GURMANKIN: Q. Where are you looking?
2 3 4 5 6	Q. Did you ever see him touch anyone else or just you? A. I don't know if I have ever seen him touch anyone else. I can't say for a fact that I have. Q. Not that you can think of, as you sit	2 3 4 5 6	You can't just swipe it with your finger. THE WITNESS: So she asked me and I told her yeah. BY MS. GURMANKIN: Q. Where are you looking? A. On page four.
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2 3 4 5 6 7 8	Q. Did you ever see him touch anyone else or just you? A. I don't know if I have ever seen him touch anyone else. I can't say for a fact that I have. Q. Not that you can think of, as you sit here today. Right? A. That's more it than the other way,	2 3 4 5 6 7 8	You can't just swipe it with your finger. THE WITNESS: So she asked me and I told her yeah. BY MS. GURMANKIN: Q. Where are you looking? A. On page four. Q. Where is that? A. Six boxes at the top of the page. It's
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	Page 177		Page 179
1	Q. How come?	1	doesn't take much?
2	A. I wasn't asked.	2	A. That she just seemed to be getting
3	Q. You told Kloosterman other things that	3	offended easy by anything that happened.
4	weren't specifically asked. Why not this?	4	Q. What's anything?
5	MS. KIRKPATRICK: Objection.	5	A. Being asked to do her job.
6	THE WITNESS: I don't know.	6	Q. She was offended when she was asked to
7	BY MS. GURMANKIN	7	do her job?
8	Q. Was your touching Jesse's hair what you	8	A. Yes.
9	would categorize as a friendly touch?	9	Q. Who asked her that?
10	A. I don't get the question.	10	A. Will.
11	Q. We went over your telling Kloosterman	11	Q. And anyone else?
12	that Turney's outgoing to friendly touches would	12	A. Was that a question?
13	not be surprising. Then you said the way he	13	Q. Yeah. Anyone else?
14	touched you was a friendly touch. Is that right?	14	A. No.
15	A (Witness nodded in the affirmative.)	15	Q. How did she get offended when Turney
16	Q. Yes?	16	asked her to do her job?
17	A. Yes.	17	A. I don't know how she got offended.
18	Q. The way that you touched Jesse's hair,	18	Q. Well, then what was the basis for you
19	was that what you would classify as a friendly	19	testifying to that?
20	touch?	20	A. She came to me and told me that she did
21	A. Yes.	21	not know what he was asking her to do.
22	Q. Did you do that friendly touch to any	22	Q. Okay. Did she tell you she was
23	other female employee at Shell?	23	offended?
24	MS. KIRKPATRICK: Objection. Asked and	24	A. Oh, she was mad. She was really mad.
			,,,,,
	Page 178		
	1496 170		Page 180
1	answered. You can tell her again.	1	Page 180 Q. When was this?
1 2		1 2	
	answered. You can tell her again.		Q. When was this?
2	answered. You can tell her again. THE WITNESS: No.	2	Q. When was this?A. Towards the end of the time that she
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2 3 4 5 6	answered. You can tell her again. THE WITNESS: No. BY MS. GURMANKIN: Q. Or any female contractor? A. No. Q. On page three, please.	2 3 4 5 6	 Q. When was this? A. Towards the end of the time that she was maintenance analyst. Q. Still close to this meeting with Kloosterman in December of 2016? A. Probably so, yes.
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	Page 181		Page 183
1	her tone of voice said that I'm upset.	1	Q. Okay. And you concluded from that that
2	Q. What about her body language?	2	she was offended by whatever?
3	A. Same thing.	3	A. Yeah. Something had something Will
4	Q. What about her facial expression?	4	had said had set her off.
5	A. Same thing again.	5	Q. Did you ask her what it was?
6	 Q. All right. And did she say anything to 	6	A. No.
7	you when she comes over other than I don't know	7	Q. How come?
8	what Will is asking me to do, or words to that	8	A. I didn't want to know.
9	effect?	9	Q. Why not?
10	A. No. That's what she said.	10	A. It wasn't any of my business.
11	Q. Word for word?	11	 Q. Anything else that you referred to when
12	A. Yes.	12	you told Kloosterman that Jesse started getting
13	Q. Okay. And what did you say?	13	offended by whatever?
14	A. You can put that one in quotes, yes.	14	A. I don't know what more there may have
15	Huh?	15	been. I don't remember anything that sticks out.
16	Q. What did you say?	16	Q. That's all you can think of?
17	 I didn't know what he wanted her to do, 	17	A. Yes.
18	either. I didn't have anything to say.	18	Q. And you followed that with, it really
19	Q. Oh. Did she did you understand her	19	doesn't take much. Do you see that?
20	expressing that he wasn't being clear when he gave	20	A. I do.
21	her assignments?	21	Q. What was your basis for saying that, if
22	MS. KIRKPATRICK: Objection.	22	you don't know what Turney said to her, that led
23	THE WITNESS: I didn't know what	23	to her coming over to her desk and saying I don't
24		24	know what Will wants me to do?
	Page 182		Page 184
1	Page 182 BY MS. GURMANKIN	1	Page 184 A. One more time with that question.
1 2		1 2	
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_	Page 185		Page 187
1	MS. KIRKPATRICK: He just told you.	1	MS. KIRKPATRICK: Objection.
2	THE WITNESS: I know that it doesn't	2	THE WITNESS: Whenever she gets mad.
3	take much to set	3	BY MS. GURMANKIN
4	BY MS. GURMANKIN:	4	Q. How many times did you see her mad?
5	Q. The only example that you're telling me	5	MS. KIRKPATRICK: Objection.
6	that she was offended by whatever was the example	6	THE WITNESS: I don't know. I don't
7	of her coming back to her desk and saying I don't	7	know.
8	know what Will wants me to do. Right?	8	BY MS. GURMANKIN
9	A. That's the only example that I can	9	Q. Did Kloosterman ask you what you meant
10	think of now.	10	by that?
11	Q. That's all you can think of?	11	A. I don't think so.
12	A. Right now.	12	Q. Immediately after you say Jesse started
13	Q. So you don't know what Turney said to	13	getting offended by whatever, it really doesn't
14	her to have her that made her come back to her	14	take much, you talked about the incident where
15	desk and say that. Right?	15	Dalton had started to give her a hug. Right? Do
16	A. I do not.	16	you see that?
17	Q. So what's your basis for saying it	17	A. I do, yes.
18	really doesn't take much?	18	Q. Were you connecting that to your
19	MS. KIRKPATRICK: Objection. Asked and	19	statement that she started getting offended by
20	answered.	20	whatever, it really doesn't take much, or were
21	THE WITNESS: It doesn't take much.	21	those two separate thoughts?
22	BY MS. GURMANKIN	22	A. I don't know.
23	Q. Okay. What are you referring to?	23	Q. Well, do you have any other explanation
24	A. She gets mad easy.	24	as to why you would have said it immediately after
	Page 186		Page 188
1	Q. What are you referring to?	1	saying that Jesse started getting offended by
2		1	
	MS. KIRKPATRICK: Objection. He's	2	whatever, it really doesn't take much, unless you
3	MS. KIRKPATRICK: Objection. He's talked about this.	2 3	whatever, it really doesn't take much, unless you were setting that as an example?
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Page 189 Page 191 1 MS. KIRKPATRICK: Objection. He just 1 BY MS. GURMANKIN: 2 told you. Tell her again. 2 Q. As opposed to Dalton giving her a hug 3 3 THE WITNESS: That she -- I'm just without asking if she wants one. Right? 4 4 saying she gets mad easy. MS. KIRKPATRICK: Objection. 5 5 BY MS. GURMANKIN: THE WITNESS: I didn't see that as 6 Q. My question is specifically why you 6 really a problem. 7 cited the incident with Dalton trying to give her 7 BY MS. GURMANKIN 8 a hug in connection with you telling Kloosterman 8 Q. You didn't think about that, did you? 9 9 A. I did afterwards. that she started getting offended by whatever, it 10 really doesn't take much. 10 Q. When afterwards? 11 What was it about that incident that 11 A. After it happened. 12 Q. Before you're talking to Kloosterman? led you to use that as an example to she started 12 13 getting offended by whatever, it really doesn't 13 A. Yes. 14 take much? 14 Q. Did you talk to Dalton about the fact 15 MS. KIRKPATRICK: Objection. 15 that he needs to think about whether or not a 16 16 woman is going to welcome a hug before he starts THE WITNESS: I didn't think that her reaction was -- she got mad instead of, you know, 17 to give her one? 17 18 just stopping him or something like that. 18 A. I didn't talk to Dalton about it at 19 19 BY MS. GURMANKIN: all Q. Did you talk to Jesse and see if she 20 Q. How --20 21 was okay about the fact that a male employee had 21 A. She got mad at it. 22 22 Q. How did she get mad? started to give her a hug when she clearly didn't 23 23 A. Same thing as I've said before. Her want one? 24 2.4 body language changes and her, you know, face MS. KIRKPATRICK: Objection. That's Page 190 Page 192 1 changes. You can tell that she is mad. 1 not how he described it happening. 2 Q. So your issue was that she reacted 2 THE WITNESS: No. 3 differently than you thought she should have when 3 BY MS. GURMANKIN 4 she started getting a hug that she didn't want? 4 Q. Did you talk to anyone at Shell about 5 5 MS. KIRKPATRICK: Objection. That's that? 6 6 not what he said. MS. KIRKPATRICK: Objection. 7 THE WITNESS: No. 7 THE WITNESS: I did not. 8 MS. GURMANKIN: Okay. 8 BY MS. GURMANKIN: 9 THE WITNESS: It just -- I didn't see 9 Q. Did you tell Kloosterman that? 10 it as anything to be mad about. 10 MS. KIRKPATRICK: Objection. 11 BY MS. GURMANKIN: 11 THE WITNESS: What was the question? Q. Did you consider that maybe she did? 12 12 BY MS. GURMANKIN 13 A. Afterwards, yes. 13 Q. Did you tell Kloosterman that you 14 Q. Well, then why would you say to 14 thought that Jesse -- strike that. 15 Kloosterman that she started getting offended by 15 Next row. "I've been called a bitch by 16 whatever, it really doesn't take much in 16 numerous people in office." Your response is, 17 connection with that example where she is getting 17 "Yes, but it is because of her mood." 18 a hug that she doesn't want? 18 Did you understand, as a result of your 19 MS. KIRKPATRICK: He just told you. 19 training with Shell, that that did not violate 20 You can tell her again. Objection. 20 policy if it was said because of her mood? THE WITNESS: Yeah, I didn't think the 21 THE WITNESS: One more time. I'm 21 22 reaction was -- I thought it was an overreaction, 22 sorry. 23 or it just didn't seem appropriate, her reaction. 23 BY MS. GURMANKIN: 24 24 Q. Sure. Based on the training that you

	Page 193		Page 195
1	had at Shell, did you believe it was not a	1	he doesn't know if that was the question that was
2	violation of policy to call her a bitch because of	2	asked.
3	her mood?	3	BY MS. GURMANKIN
4	A. I'm trying to figure if you've got a	4	Q. Is that really your testimony, that you
5	double negative in here.	5	don't think that was the question that was asked
6	MS. KIRKPATRICK: If you don't	6	when you looked at the claim in the chart, which
7	understand the question, you should say that.	7	is, "I have been called a bitch by numerous people
8	THE WITNESS: I don't understand the	8	in the office", and your response is, "Yes, but it
9	question.	9	is because of her mood."?
10	MS. GURMANKIN: You have to just tell	10	MS. KIRKPATRICK: Objection. Asked and
11	me. Do you remember that?	11	answered.
12	THE WITNESS: I'm trying to listen to	12	THE WITNESS: Yeah.
13	your questions but	13	MS. KIRKPATRICK: That's really his
14	MS. GURMANKIN: Do you remember my	14	testimony.
15	instructions in the beginning?	15	THE WITNESS: It is, too.
16	THE WITNESS: I do.	16	BY MS. GURMANKIN:
17	BY MS. GURMANKIN:	17	Q. What do you think that was in response
18	Q. As a result of the training that you	18	to?
19	had at Shell on the anti-harassment and	19	MS. KIRKPATRICK: I don't even
20	anti-discrimination policies, did you think that	20	understand that question.
21	it was a violation of policy for Jesse to be	21	BY MS. GURMANKIN
22	called a bitch if it was said because of her mood?	22	Q. What do you think you are answering
23	A. I would say yes.	23	now?
24	Q. Okay. Who did you hear call Jesse a	24	A. I don't know.
			Page 196
1	rage 194		rage 190
	hitch?	1	O Go hack to hade two hlease Can you
1 2	bitch? A I don't know that I heard anyone	1 2	Q. Go back to page two, please. Can you
2	A. I don't know that I heard anyone.	2	think of anything else that you are answering
2 3	A. I don't know that I heard anyone.Q. Then why did you tell Kloosterman yes?	2	think of anything else that you are answering there other than the question of whether Jesse has
2 3 4	A. I don't know that I heard anyone.Q. Then why did you tell Kloosterman yes?A. I don't know that that's the question	2 3 4	think of anything else that you are answering there other than the question of whether Jesse has been called a bitch by the people in the office?
2 3 4 5	A. I don't know that I heard anyone.Q. Then why did you tell Kloosterman yes?A. I don't know that that's the question that I was asked.	2 3 4 5	think of anything else that you are answering there other than the question of whether Jesse has been called a bitch by the people in the office? A. That was on page two.
2 3 4 5 6	 A. I don't know that I heard anyone. Q. Then why did you tell Kloosterman yes? A. I don't know that that's the question that I was asked. Q. Your response is in connection with the 	2 3 4 5 6	think of anything else that you are answering there other than the question of whether Jesse has been called a bitch by the people in the office? A. That was on page two. Q. Right. I haven't gotten there yet. Do
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2 3 4 5 6 7 8	A. I don't know that I heard anyone. Q. Then why did you tell Kloosterman yes? A. I don't know that that's the question that I was asked. Q. Your response is in connection with the claim, "I have been called a bitch by numerous people in the office." According to Kloosterman's notes you said, "Yes, but it is because of her	2 3 4 5 6 7 8	think of anything else that you are answering there other than the question of whether Jesse has been called a bitch by the people in the office? A. That was on page two. Q. Right. I haven't gotten there yet. Do you need my question repeated? MS. KIRKPATRICK: It's not on I think we are talking about different pages. MS. GURMANKIN: I'm not talking about
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	Page 197		Page 199
1	claim is, "I've been called a bitch by numerous	1	bitch in the office?
2	people in the office." and your response is, "Yes,	2	A. No.
3	but it is because of her mood."	3	Q. How about bitchy?
4	Any other questions that that would be	4	A. No.
5	responsive to other than whether you've heard	5	Q. Did you ever hear anyone refer to her
6	Jesse being called a bitch?	6	as a bitch or bitchy?
7	MS. KIRKPATRICK: Objection.	7	A. No.
8	THE WITNESS: Yeah, that could be lots	8	Q. Did you?
9	of questions that that would be the answer.	9	A. No.
10	BY MS. GURMANKIN	10	Q. Do you think that's funny?
11	Q. What? Looking at the chart.	11	A. I do not think that's funny. I think
12	MS. KIRKPATRICK: Objection.	12	it's funny that you keep asking me when I tell you
13	THE WITNESS: It's not for me to	13	no. I have a nervous laugh. It didn't make sense
14	speculate.	14	that would you keep asking.
15	MS. GURMANKIN: You just said there	15	Q. Did you tell Kloosterman that you had
16	could be lots. Give me one.	16	heard Jesse being called a bitch by people in the
17	MS. KIRKPATRICK: Let him finish his	17	office? Was that a lie?
18	answer. Do you remember the question?	18	MS. KIRKPATRICK: Objection. He just
19	THE WITNESS: Yeah. I can't think of	19	said that it's not what he said.
20	any right now. But	20	BY MS. GURMANKIN:
21	BY MS. GURMANKIN	21	Q. Please listen to my question. Do you
22	Q. Going back to page two. Right above	22	understand it, or do you need it repeated?
23	the chart, do you see in italics "I would like to	23	A. I need it repeated.
24	review a few specific examples of the work	24	
	Dago 100		Dago 200
1	Page 198	1	Page 200
1	environment and team environment with you. Please	1	Q. Sure. If you told Kloosterman that you
2	environment and team environment with you. Please share any information or your perspective you have	2	Q. Sure. If you told Kloosterman that you had heard Jesse being called a bitch in the
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	Page 201		Page 203
1	that, would that be a lie?	1	MS. KIRKPATRICK: Objection. That's,
2	MS. KIRKPATRICK: Objection. Give her	2	again, an improper hypothetical, not based upon
3	the same answer.	3	evidence or fact.
4	MS. GURMANKIN: No. I need you to	4	THE WITNESS: I didn't I don't know.
5	answer the question that I'm asking.	5	I don't know.
6	MS. KIRKPATRICK: He's answering the	6	BY MS. GURMANKIN:
7	question.	7	Q. If Kloosterman testified that you told
8	MS. GURMANKIN: No, he's not.	8	her that people that you heard people call
9	MS. KIRKPATRICK: You just don't like	9	Jesse a bitch, is she lying?
10	the answer.	10	MS. KIRKPATRICK: Objection.
11	MS. GURMANKIN: No, he's not. You know	11	THE WITNESS: I don't know what her
12	he's not.	12	testimony would be.
13	MS. KIRKPATRICK: He said that he has	13	BY MS. GURMANKIN:
14	never heard anyone call her a bitch.	14	Q. That's not my question. If she
15	MS. GURMANKIN: No, he's not. That's	15	testified that you told her that you heard people
16	not my question.	16	call Jesse a bitch, is that a lie?
17	MS. KIRKPATRICK: Now you're asking an	17	MS. KIRKPATRICK: Objection. He just
18	improper hypothetical.	18	said he doesn't know. You keep telling her.
19	MS. GURMANKIN: No. You know	19	MS. GURMANKIN: That wasn't my
20	hypotheticals are proper, Kathy.	20	question.
21	MS. KIRKPATRICK: This is an improper	21	MS. KIRKPATRICK: Yes. You don't like
22	hypothetical.	22	the answer. He's going to keep giving you the
23	MS. GURMANKIN: No. You just don't	23	answer.
24	want him answering. What's your answer?	24	THE WITNESS: Yeah. I don't know.
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	Page 202		Page 204
		1	rage zor
1		1	_
1 2	MS. KIRKPATRICK: You are twisting his	1 2	MS. KIRKPATRICK: Besides the fact that
2	MS. KIRKPATRICK: You are twisting his words. You just don't like the fact that he's	2	MS. KIRKPATRICK: Besides the fact that it's an improper question.
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Page 205 Page 207 MS. KIRKPATRICK: Objection. share your perspective on these matters." 1 1 2 THE WITNESS: I don't think so. 2 Do you see that? 3 BY MS. GURMANKIN: 3 A. Yes. Q. The claim on left side, "This coworker 4 Q. Is it possible you did? 4 5 5 A. I don't believe so, no. had lied to me saying that my supervisor was mad 6 Q. So if she testifies that you told her 6 at me because I was falling behind on work. When 7 that, is that a lie? 7 I asked my supervisor what I needed to catch up 8 8 MS. KIRKPATRICK: Objection. I'm going on, he denied that he had said anything." 9 9 to instruct the witness not to answer. You have Do you see that? 10 asked him this five times already and he has 10 A. I do. 11 answered it. 11 Q. And you recall Kloosterman asking you MS. GURMANKIN: What's the basis for 12 12 about that allegation. Correct? your instruction? 13 13 A. I do. 14 MS. KIRKPATRICK: You have -- it's an 14 Q. And you say in response, according to 15 15 improper hypothetical. You are asking a question Kloosterman, "I did her job before she did her 16 that is not based upon any facts in the record. 16 job. We didn't have an MA before. Her mom and I 17 And you've asked him numerous times already, and 17 worked together for 20 years and her dad and I 18 he has given you an answer. You are fishing for a 18 worked together for ten years, paren, not at 19 19 Shell." different answer. 20 MS. GURMANKIN: Where's the basis for 20 Did you and her dad work together? 21 A. Ward Manufacturing. 21 vour instruction not to answer --22 22 MS. KIRKPATRICK: I just told you. Q. "Her mom was a MA where we worked 23 23 MS. GURMANKIN: -- under the rules. before. When I left to come to Shell, Shell said 24 Where in the rules does it say you can make an 24 they needed a secretary. I recommended her mom. Page 206 Page 208 1 instruction not to answer based --1 She got hired, East Resources, and there were a MS. KIRKPATRICK: I just told you the lot of open jobs. Help wanted signs everywhere. 2 2 3 basis. 3 Jesse got hired at ER." 4 MS. GURMANKIN: Where in the rules does 4 What's that? What's ER? 5 5 it --A (Witness nodded in the affirmative.) MS. KIRKPATRICK: I do not have an 6 6 Q. Do you know? 7 obligation to cite to a specific rule or a 7 A. East Resources. 8 specific case to you, as I sit here in a 8 Q. "And Wendy was moved into scheduler role for half of the field, and I had the other 9 9 deposition. MS. GURMANKIN: You do have an 10 10 half. I had way more training than she did. They 11 obligation to follow the rules, which you know 11 trained her for a week or so, me for months." 12 12 you're not. Do you know why they trained Wendy 13 Are you listening to your attorney's 13 Barnes for a week or so and you for months? 14 14 instruction not to answer? A. The trainer came in from Louisiana, and THE WITNESS: I'm not going to answer. 15 15 he had just left the role and he was retiring from MS. GURMANKIN: You are following your 16 16 the company. And I was the only person that was 17 17 the planner or scheduler at that point. And then attorney's instruction? 18 THE WITNESS: I am. 18 he retired from the company. 19 19 BY MS. GURMANKIN: So they didn't really have a trainer to 20 20 Q. All right. Looking at page three at offer. We did get another trainer that came but the bottom. Beneath the chart, it says "I would 21 21 it wasn't nearly as good. 22 Q. All right. "She was delivering, 22 like to review some claims made regarding your 23 competent enough. When we moved offices, we sat 23 work relationship with Jesse and specific situations you may have been involved in. Please 24 side by side, same office. I was the MA, Wendy 24

Page 209 Page 211 1 did the scheduling, Matt did the planning." 1 Q. Did she say that? 2 That's Matt Skolny? 2 A. Well, Robin -- here is what she said 3 3 A. It is. for sure. That when we all had an interview and Q. "Then Shell came and needed to cut 4 4 Jesse went into the interview, the first thing costs. Two roles were cut, one of them was 5 5 that Robin told her is I had to let your mom go. 6 Wendy's." 6 And I think that's where the hatred stemmed from. 7 What was the other one? 7 Q. Did Jesse say she hated Robin because 8 A. I don't know. 8 Robin let her mom go? 9 Q. You don't remember? 9 A. I don't know that she said those words. 10 A. Yeah, I don't remember. "Jesse was 10 Q. Next paragraph, "She was overloaded" -very upset." 11 you're referring to Jesse here. Right? 11 A. Yes. 12 Q. I'll stop there for second. In the 12 13 question about the claim, was there anything asked 13 Q. "She was overloaded. She doesn't sav 14 about what you said to Kloosterman according to 14 no to things. She's a hard worker. She had a lot 15 the first paragraph there? 15 to do, so people were coming to me to do some 16 A. What's the question? 16 things and she got upset that I was doing some of 17 Q. In response to the claim that's on the 17 her work. She was upset that I was doing work 18 left side, the left column, is there anything that 18 that was in her remit. We haven't ever yelled at 19 19 you say, according to Kloosterman in the first each other. I'm not one for arguing. But she 20 paragraph on the right side, that is at all 20 stomped away and muttered under her breath." 21 responsive to the issue of the claim? 21 That paragraph is not responsive to the 22 issue of the claim that's on the left side. 22 A. It doesn't look like it. 23 23 Q. So you are volunteering information --Correct? 24 A. Yes. 24 MS. KIRKPATRICK: Objection. Page 210 Page 212 1 Q. -- even though you weren't specifically 1 THE WITNESS: They don't look like they 2 2 asked? go together, no. 3 A. I would say yes. 3 BY MS. GURMANKIN: 4 Q. Next paragraph, "Jesse has a hatred for 4 Q. You are volunteering information that 5 5 Robin Grouette. Robin recognized it was a mistake wasn't specifically asked by her. 6 to sever Wendy. They identified we needed an 6 A. It looks that way. 7 analyst. We were understaffed. Jesse got hired 7 Q. According to what Kloosterman wrote 8 as analyst." 8 here on the right side of that claim about what Q. Anything in that paragraph that is 9 9 you say in your interview, is there anything that 10 responsive to the claim that's on the left side? 10 you say that actually responds to the claim? 11 A. No. 11 A. It doesn't look like it. 12 Q. You're volunteering info, even though 12 Q. Do you remember Kloosterman ever you are not specifically asked? 13 13 following up and actually asking if you said what 14 A. Yes. 14 Jesse claims that you said? 15 Q. What was the basis for you saying that 15 A. I don't believe so. Jesse had a hatred for Robin Grouette? 16 16 Q. Did you tell Jesse that Turney was mad 17 A. She did. Matt would get her to tell 17 at her because she was falling behind on work? 18 the story, and Jesse would then tell the story of 18 A. I don't remember that happening. how bad she hated Robin. 19 19 Q. Is it possible it did? 20 Q. Matt Skolny? 20 A. I don't remember. 21 A. Yes. 21 Q. Right. So is it possible? Q. Did she say why she hated Robin? 22 22 A. I don't know. A. For laying off her -- for laying off 23 23 Q. Did Turney ever tell you that he was her mother, I think. mad at Jesse because she was falling behind on 24 24

Page 213 Page 215 1 work? 1 MS. KIRKPATRICK: Objection. 2 A. Yeah. I don't remember that happening. 2 MS. GURMANKIN: Right? 3 3 Q. Page four. The claim on the left side, THE WITNESS: What is the question? 4 4 "I've been told by coworkers that maybe if they BY MS. GURMANKIN: 5 5 wore tight pants and batted their eyes, they could Q. You concluded that she was proud of 6 get what they wanted, suggested that this is what 6 herself based on the fact that she wore tight 7 I do." 7 pants and plunging neckline and blouses showing 8 According to Kloosterman you say, "I 8 cleavage. would never say that, and I haven't heard anyone 9 9 A. No. 10 say that to her. She played the female card for 10 MS. KIRKPATRICK: Objection. 11 as long as it benefited her." 11 BY MS. GURMANKIN: 12 What did you mean by that last 12 Q. What led you to that conclusion that 13 sentence, she played the female card for as long 13 she was proud? 14 as it benefited her? 14 A. She liked her clothes. 15 A. Well, it had to do with the way she 15 Q. She liked clothes based on the fact 16 that she wore tight pants and showed cleavage? 16 dressed. 17 17 Q. I'm sorry? A. No. 18 A. Had to do with the way she dressed. 18 Q. Okay. Then --19 19 A. She told us about her clothes. Q. What was that? 2.0 A. So her attire was on the edge of 20 Q. But you thought her dress, based on the 21 appropriate for work. 21 fact that she wore tight pants and showed 22 22 Q. How so? cleavage, was the edge of appropriate. Right? 23 23 A. Tight pants, plunging neckline and You just testified to that. 24 blouses, stuff like that. 24 A. I would say yes. Page 214 Page 216 1 Q. The plunging necklines and blouses, how 1 Q. Did you stare at her when she wore 2 low was the neckline? 2 tight pants and showed cleavage? 3 A. (Indicating.) 3 A. No. 4 Q. You are pointing to your chest. Could 4 Q. Then how did you know that she showed 5 5 you see cleavage? cleavage and wore tight pants? 6 A. I would say yes. 6 A. We're coworkers. She was right there 7 Q. How many inches? 7 all the time. 8 A. I don't know that. It would depend on 8 Q. How often did she wear tight pants? 9 the garment. 9 A. Every day. 10 Q. Okay. How often did she wear plunging 10 Q. Sometimes more than others? 11 A. Yes. 11 necklines and blouses that showed cleavage? Was 12 12 Q. What was the most amount? that every day, too? A. No. 13 A. I don't know. 13 Q. How come this was something that you 14 14 Q. How often? 15 A. I don't know. But it did happen. 15 noticed? 16 A. I work with her and seen her every day. 16 Q. Multiple times a week? 17 17 Q. Were you paying attention to what she A. Depend on the weather. Depend on all 18 wore? 18 the different circumstances. A. She would -- she would show us what she 19 19 Q. On average? was wearing. She was proud of what she wore to 20 20 A. I don't know that there would be an 21 work. 21 average. Q. Multiple times? 2.2 Q. And you're concluding this based on the 22 A. It happened many times. 23 fact that she wore tight pants and she wore 23 plunging necklines and blouses showing cleavage? Q. More than 20? 24

	Page 217		Page 219
1	A. In the course of all the years we	1	MS. GURMANKIN: How did she play the
2	worked together?	2	female card?
3	Q. Um-hmm.	3	MS. KIRKPATRICK: Objection. He just
4	A. Yes.	4	told you that.
5	Q. More than 50?	5	MS. GURMANKIN: No, I didn't ask that
6	A. I don't know.	6	question.
7	Q. Somewhere between 20 and 50?	7	MS. KIRKPATRICK: Asked and answered.
8	A. I'll stick with more than 20.	8	MS. GURMANKIN: No, I haven't asked
9	Q. More than 30?	9	that. How did she play the female card?
10	A. I'll stick with more than 20.	10	MS. KIRKPATRICK: That's exactly what
11	Q. So between 20 and 30?	11	you asked.
12	A. I'm not going to say that.	12	MS. GURMANKIN: No, I did not.
13	Q. You don't remember if it was more than	13	MS. KIRKPATRICK: You can tell her
14	20?	14	again.
15	A. I know it was more than 20.	15	THE WITNESS: She just wore fitting,
16	Q. You don't know if it was more than 30?	16	un clothes that other people didn't wear to
17	A. Fair enough.	17	work.
18	Q. Is that true?	18	BY MS. GURMANKIN
19	A. That's what I'm saying more than 20.	19	Q. What's the female card that you are
20	Q. Do you remember if it was more than 30	20	referring to?
21	or not?	21	MS. KIRKPATRICK: Objection. Asked and
22	MS. KIRKPATRICK: You can keep telling	22	answered. He just told you.
23	her. Objection.	23	MS. GURMANKIN: I haven't asked that
24	THE WITNESS: Yeah, it's	24	before.
	Page 218		Page 220
1	D) (140 O) (D) (A) (A) (A) (A)		
	BY MS. GURMANKIN:	1	MS. KIRKPATRICK: That's what you've
2	BY MS. GURMANKIN: Q. Do you remember or don't you?	1 2	MS. KIRKPATRICK: That's what you've been asking.
2			been asking. BY MS. GURMANKIN:
	Q. Do you remember or don't you?	2	been asking.
3	Q. Do you remember or don't you?MS. KIRKPATRICK: He's approximating.	2	been asking. BY MS. GURMANKIN:
3 4	Q. Do you remember or don't you?MS. KIRKPATRICK: He's approximating.THE WITNESS: Yes, I just it was	2 3 4	been asking. BY MS. GURMANKIN: Q. No. What's the female card that you are referring to? A. Just that.
3 4 5	Q. Do you remember or don't you? MS. KIRKPATRICK: He's approximating. THE WITNESS: Yes, I just it was more than 20 times.	2 3 4 5	been asking. BY MS. GURMANKIN: Q. No. What's the female card that you are referring to?
3 4 5 6	 Q. Do you remember or don't you? MS. KIRKPATRICK: He's approximating. THE WITNESS: Yes, I just it was more than 20 times. BY MS. GURMANKIN: Q. Did you talk to anyone about the fact that you thought that she was on the edge of 	2 3 4 5 6	been asking. BY MS. GURMANKIN: Q. No. What's the female card that you are referring to? A. Just that.
3 4 5 6 7	Q. Do you remember or don't you? MS. KIRKPATRICK: He's approximating. THE WITNESS: Yes, I just it was more than 20 times. BY MS. GURMANKIN: Q. Did you talk to anyone about the fact that you thought that she was on the edge of appropriate with her dress?	2 3 4 5 6 7 8	been asking. BY MS. GURMANKIN: Q. No. What's the female card that you are referring to? A. Just that. Q. What does that mean? MS. KIRKPATRICK: What does what mean? He just told you.
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Page 221 Page 223 1 A. So what was your question again then? 1 Q. Any basis to your saying that to 2 Kloosterman? 2 Q. If what you meant when you said 3 3 A. I don't know. something may have happened between them was that Q. No explanation for why you said it, he may have shown her the picture, why didn't you 4 4 5 5 though. Right? say that? 6 A. No, I don't know. 6 A. That is what I'm saying. 7 Q. It was to portray Jesse in a negative 7 Q. Why did you say something have happened 8 8 between them? Why didn't you say he may have way, wasn't it? 9 shown her the picture? 9 A. No. I think it was more to state the 10 facts. 10 A. That's not how I talk. Q. Well, you don't have any facts to 11 Q. What's not how you talk? 11 support it, do you? 12 A. I'm just having a conversation. You're 12 13 A. I don't. 13 asking if a picture was shown, and I'm saying that 14 Q. It was to portray Jesse in a negative 14 may have happened. I don't know. I don't know 15 15 what happened between them. way, wasn't it? 16 Q. You think something sexual happened 16 A. No. I would say it was just more that 17 between them? 17 that was a fact. It went on. 18 Q. You were trying to make her seem like a 18 MS. KIRKPATRICK: Objection. Asked and 19 19 slut, weren't you? answered. He already said no. 2.0 A. Was not. 20 THE WITNESS: No. 21 BY MS. GURMANKIN: 21 Q. In the last row it says, on the left Q. Did you ever think that? 22 22 side, regarding the claim, "During the visit 23 to" -- I'm going to assume that's -- "Calgary in 23 Q. Did Turney ever suggest that something 24 2014 at the social after hours, were you there 2.4 Page 224 Page 222 1 when Will shared a photo of himself in his 1 sexual or romantic happened between them? 2 underwear?" 2 A. No. 3 You say, "I did not see that. I'm not 3 Q. Did you ever hear any rumors that 4 saying that didn't happen. There was a lot of 4 something sexual or romantic was going on between 5 5 alcohol involved. People were drinking too much. Turney and Jesse? 6 I was with them the whole time. There wasn't any 6 A. No. 7 talk from Will of I got this plan with her or 7 Q. Part of your response, according to 8 8 Kloosterman, to this claim about Will sharing a anything like that. Something may have happened 9 9 between them." photo on his phone of himself in his underwear is 10 10 Is that correct? not responsive to that claim. Is that right? 11 A. Yes. 11 MS. KIRKPATRICK: Objection. THE WITNESS: What's your question? 12 Q. When you said something may have 12 13 happened between them, what were you talking 13 BY MS. GURMANKIN: 14 about? 14 Q. The claim that you're being asked A. About the picture. 15 15 about, according to the chart, is whether you were 16 Q. You weren't suggesting that something 16 there when Will shared a photo of his phone of 17 himself in his underwear. Do you see that? 17 sexual may have happened between them? 18 A. No. 18 A. I do. 19 19 Q. Why didn't you say the picture, he may Q. And part of your response that she 20 20 have shown her the picture? documents is not responsive to that claim. Right? A. That's not I was being asked about. 21 21 A. Yes. Q. You were being asked about the picture. MS. KIRKPATRICK: Objection. 22 2.2 THE WITNESS: That is true. 23 Look at the left side. It's exactly what you were 23 24 being asked about. 24

Page 225 Page 227 Q. And it looks like, at least from this 1 BY MS. GURMANKIN: 1 2 Q. Okay. So according to her notes, you 2 document, that you are talking in response to her 3 3 are volunteering information that you were not saying on page three that she would like to review some claims made regarding your work relationship 4 specifically asked about here. Is that correct? 4 5 5 with Jesse and specific situations you may have 6 Q. Right under that you say, "I don't joke 6 been involved in. Please share your perspective 7 around with her anymore because I learned." 7 on these matters. Right? 8 8 What did you learn that led you not to A. Yeah. I don't know what she meant by 9 9 asking right before this. But that's the header joke around with her anymore? 10 A. I learned that she gets mad fast and 10 that it's under. 11 there's no reason to do it. 11 Q. Okay. There is no other question above 12 12 Q. What did you joke around with her about that paragraph? 13 before you were --13 A. Right. 14 A. Just anything in the office; we laughed 14 Q. And then you go on to say, "I feel like 15 15 he treats her same as others on the team, but she at lots of different things. 16 Q. What did you joke with her about? 16 doesn't feel that way. I've heard her complain A. I don't have any examples, but I know 17 about that, but I know it's not true." I'll stop 17 18 that it happened. 18 there for a second. 19 Q. Anything sexual? 19 What did you hear Jesse complain about 2.0 A. No. 20 what you are referencing here? Q. Are you sure about that? A. This was that incident of I don't know 21 21 22 22 A. I'm positive about that. what he wants as far as the work instructions, 23 23 Q. Even though you can't remember a single when I don't know what he's asking me to do. At 24 thing that you did actually joke about? 24 that point she's like he wouldn't ask anyone else Page 228 Page 226 1 MS. KIRKPATRICK: Objection. 1 to do it. 2 2 THE WITNESS: I'm positive it wasn't But he wouldn't ask anyone else to do 3 sexual. 3 it because it wasn't anyone else's job. 4 BY MS. GURMANKIN: 4 Q. All right. Are you talking about Q. But you can't remember a single thing 5 5 something that's different from the time that she 6 that did you joke about? 6 came over to her desk and said I don't know what 7 MS. KIRKPATRICK: Objection. 7 he wants me to do? 8 MS. GURMANKIN: Right? 8 A. No. I'm not talking about that 9 9 THE WITNESS: Yes. incident. 10 10 BY MS. GURMANKIN: Q. Well, according to your testimony 11 Q. "I think it may have taken Will a 11 earlier, that's all she said. She didn't say he 12 12 little longer to realize this when he started wouldn't ask anyone else to do this. Right? Or 13 working for him." I assume that to be she. 13 did you forget that part? 14 "Did he make her upset? Probably. Did 14 A. Did I forget what part? he make advances on her? I don't know. I would 15 15 Q. Earlier you testified that when she say probably not, but I don't know. It seems like came over to her desk, she said I don't know what 16 16 17 17 he wants me to do. And then that was it. trying to flatter her." 18 I'll stop there for a second. Why did 18 Remember that testimony? you say you don't know when it came to whether he 19 19 20 made advances on her? 20 Q. Okay. And now you're saying that as part of that incident she also said he wouldn't 21 A. Because I don't know. 21 2.2 22 ask anyone else do this. Q. You don't know what happened between 23 them. Right? 23 A. I remember that now, yes. A. That is true. 24 2.4 Q. You remember that now. Any reason why

Page 229 Page 231 Q. Why? 1 you didn't remember it earlier? 1 2 A. No. 2 A. That was her demeanor when he was 3 3 Q. That's what your testimony is, that around. 4 you're referencing when you're saying that she 4 Q. What? 5 A. That she didn't like that he was 5 doesn't feel that he treats her the same as others 6 on the team? 6 outgoing. 7 7 Q. Her demeanor indicated that she didn't A. I am, yes. 8 8 Q. And that you heard her complain about like he was outgoing? 9 9 A. Yeah. that? 10 A. I heard her complain about that, yes. 10 Q. What about her demeanor suggested to 11 Q. Are you talking about any other 11 you that she didn't like that he was outgoing? 12 12 incidents or just that one? A. Like, she didn't want to hear about, 13 A. Just that one. 13 you know, what he was doing or, you know, what he 14 Q. Was she the only woman who reported 14 was talking about to other people or anything like 15 15 directly to Turney at this time? that A. I don't know. 16 Q. That would be similar demeanor that she 16 Q. Can you think of any other women who 17 would have when he was around if he were sexually 17 18 reported directly to Turney at this time? 18 harassing her. 19 19 MS. KIRKPATRICK: Objection as to what A. I can't. I already just said I don't know. I don't know. So there was -- our team was 20 20 demeanor -- I'm instructing the witness not to 21 changing, and I don't know who reported to who. answer. His demeanor he would have when he was 21 hypothetically sexually harassing her. 22 Q. Question number four, "Is there 22 Instructing the witness not to answer. 23 anything else you would like to share related to 23 24 the items we discussed today that hasn't been 24 MS. GURMANKIN: That wasn't my Page 230 Page 232 1 asked vet?" 1 question. 2 2 BY MS. GURMANKIN Do you see that? 3 3 Q. Do you agree that Jesse would have a A. I do. 4 Q. Why didn't you say in response to that 4 similar demeanor to what you noticed when Turney 5 5 question all the stuff that we have talked about was around if he was sexually harassing her? 6 that you hadn't said because you weren't 6 MS. KIRKPATRICK: That is your 7 specifically asked? 7 question. Objection. Instructing the witness not 8 8 MS. KIRKPATRICK: Objection. to answer as to what Mr. Turney's demeanor may 9 THE WITNESS: I don't know. 9 have been when he was hypothetically sexually 10 BY MS. GURMANKIN: 10 harassing her. 11 Q. No explanation then? 11 MS. GURMANKIN: For the third time, I'm 12 A. No. 12 not asking about Turney's demeanor. 13 MS. KIRKPATRICK: Objection. 13 MS. KIRKPATRICK: Well, then I don't 14 BY MS. GURMANKIN: 14 understand the question. 15 Q. And you say, according to her notes, 15 MS. GURMANKIN: Okay. Well, instead of 16 "Will is really outgoing. Maybe Jesse would find instructing him not to answer, why don't you ask 16 17 it offensive." Stop there for a sec. 17 me to repeat it? 18 You thought maybe Jesse would find 18 MS. KIRKPATRICK: I thought I 19 offensive the fact that Turney is really outgoing? 19 understood the question. I'm instructing him not 20 A (Witness nodded in the affirmative.) to answer the question that I don't understand. 20 2.1 Q. Is that yes? 21 And I'm telling you how I understand it. 22 A. Yes. BY MS. GURMANKIN: 22 23 Q. Why? 23 Q. Would you consider that Jesse may have 24 A. Because it seemed to me like she did. 24 had that demeanor when Turney was around because

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	Page 233		Page 235
1	he was sexually harassing her?	1	THE WITNESS: Outgoing.
2	MS. KIRKPATRICK: Objection.	2	BY MS. GURMANKIN:
3	THE WITNESS: Ask me that question	3	Q. And not narcissistic?
4	again.	4	 A. More outgoing than narcissistic, yes.
5	BY MS. GURMANKIN:	5	Q. But some narcissism?
6	Q. Sure. Did you consider that Jesse has	6	MS. KIRKPATRICK: Objection.
7	the demeanor that you just referenced when Turney	7	THE WITNESS: He was proud of himself.
8	was around because he was sexually harassing her?	8	MS. GURMANKIN: So yes?
9	MS. KIRKPATRICK: Objection.	9	MS. KIRKPATRICK: Objection.
10	THE WITNESS: I did not consider that.	10	THE WITNESS: I wouldn't say that, no.
11	BY MS. GURMANKIN:	11	BY MS. GURMANKIN
12	Q. Did you consider that he she I'm	12	Q. So not narcissistic?
13	sorry. Did you consider that he made her	13	MS. KIRKPATRICK: Objection.
14	uncomfortable by his conduct?	14	THE WITNESS: Sure.
15	A. I did not say that.	15	BY MS. GURMANKIN:
16	Q. Did you ever ask her why it was that	16	Q. So earlier when you described him as
17	she her demeanor was a certain way when he was	17	narcissistic, that wasn't true?
18	around?	18	MS. KIRKPATRICK: He went through that
19	A. I did not.	19	and he clarified it. Objection. Misleading.
20	Q. Did you ever talk to anyone about that	20	Mischaracterizing.
21	at Shell prior to your meeting with Kloosterman?	21	THE WITNESS: We're right back to the
22	A. I did not.	22	same place.
23	Q. And then you go on to say, "I would say	23	BY MS. GURMANKIN:
24	he doesn't mean anything by it."	24	
	Page 234		Page 236
1	Page 234 What were you referencing there?	1	Page 236 Q. Is that not true when you earlier
1 2		1 2	
	What were you referencing there?		Q. Is that not true when you earlier
2	What were you referencing there? A. His outgoing nature.	2	Q. Is that not true when you earlier described him as narcissistic?
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	Page 237		Page 239
1	MS. KIRKPATRICK: Objection.	1	A. I do.
2	THE WITNESS: Outgoing.	2	Q. Do you see the third sentence that
3	BY MS. GURMANKIN:	3	starts with, She lives so much on the edge?
4	Q. Okay. You go on to say that she,	4	A. Yes.
5	meaning Jesse, takes things the wrong I'm	5	Q. "She lives so much on the edge. She
6	sorry. "That she lives so much on the edge. She	6	says things that are not meant to be offensive."
7	says things that are not meant to be offensive."	7	Do you see that?
8	What were you talking about?	8	A. I do.
9	A. Read that again. I'm not	9	Q. You were suggesting to Kloosterman
10	Q. Sure. Third sentence under number	10	there that Jesse says things that are offense even
11	four. "She lives so much on the edge. She says	11	if she doesn't mean them to be offensive.
12	things that are not meant to be offensive."	12	Correct?
13	MS. KIRKPATRICK: Second sentence in	13	MS. KIRKPATRICK: Objection.
14	number four.	14	THE WITNESS: I don't know that that's
15	THE WITNESS: I have no idea what that	15	correct. I don't know what it means.
16	means.	16	BY MS. GURMANKIN:
17	BY MS. GURMANKIN	17	Q. You don't know what you're saying
18	Q. No basis for saying that?	18	there?
19	A. Again, please.	19	A. I don't. I don't know what she what
20	Q. Sure. Did you have any basis for	20	I was saying that she wrote down.
		21	
21	telling Kloosterman that?	22	Q. "She takes things the wrong way often."
22	A. I have no idea what it means.	23	Do you see that? A. Yes.
23	Q. You are saying to Kloosterman that		
24	Jesse says things that are not meant to be	24	Q. Have we talked about all of the things
	Page 238		Page 240
1	offensive. Do you see that?	1	that you thought Jesse took the wrong way?
2	A. Yep.	2	A. I believe so.
3	Q. Which suggests that they do offend	3	Q. Anything else that we haven't
4	people. Right?	4	discussed?
5	MS. KIRKPATRICK: Objection.	5	A. Not that I'm aware of, no.
6	BY MS. GURMANKIN	6	Q. "I recognized that a long time ago that
7	Q. That's what you were suggesting. Yes?	7	she is an edgy one." What was your basis for
8	MS. KIRKPATRICK: Objection.	8	that? Well, strike that.
9	THE WITNESS: There's a question?	9	What did you mean by edgy?
10	MS. GURMANKIN: Yep. Do you need it	10	A. Gets mad quick.
11	repeated?	11	Q. Anything else?
12	THE WITNESS: Please.	12	A. No. That's what that means.
13	BY MS. GURMANKIN:	13	Q. Have we talked about all the ways in
14	Q. You are suggesting to Kloosterman that	14	which she got mad quick?
15	Jesse says things that are offensive even if they	15	A. I believe so, yes.
16	are not meant to be offensive. Right?	16	Q. Anything else to add?
17	MS. KIRKPATRICK: Objection.	17	A. No.
18	THE WITNESS: I'm sorry. I'm a little	18	Q. "She's been treated wrong for her looks
19	lost here. Could you please say it again?	19	in past." Do you see that?
20	BY MS. GURMANKIN:	20	A. I do.
21	Q. Do you see where I'm talking about?	21	Q. What's that about?
22	A. I don't.	22	A. Back in the East Resources days,
23	Q. Under four on page four, on Exhibit 22.	23	something happened between her and other
24	Do you see number four?	24	coworkers, and Jesse told me about it. And I
	•		•

Page 241 Page 243 thought it was wrong, whatever happened. I don't 1 knew that Jesse had complained previously of 1 2 even remember what the complete situation was, but 2 harassment? 3 3 I thought it was wrong. A. That's what I'm saying there. 4 Q. Do you remember anything about what she 4 Q. Okay. Why? Why do you want to share 5 5 told vou? that with Kloosterman? Or why do you want to make 6 6 A. That someone was IM'ing her or sure Kloosterman knows that? 7 something like that, and it had to do with her 7 A. I don't know. I don't know if there 8 8 appearance. was any -- because I like Jesse. 9 9 Q. Did she tell you something along the Q. What does that have to do with you 10 lines of that she was sexually harassed, even if 10 wanting Kloosterman to be aware that Jesse had 11 she didn't use those words? 11 complained of harassment before? 12 12 A. I don't know that. A. I don't know. I don't know. 13 Q. Is that your understanding, based on 13 Q. Do you think the fact that she 14 what she said to you? 14 complained of harassment before makes it any less 15 15 likely that her complaints should be taken A. I don't know that, either. I would 16 16 seriously? just say that it was wrong. I don't know that she 17 17 A. What's the question again? was sexually harassed. 18 Q. What was wrong? The conduct that she 18 Q. Do you believe that the fact that she 19 was subjected to that she told you about? 19 complained of harassment before has any bearing on 20 20 her current complaints of harassment or any Q. You concluded it was wrong based on relevance to her current complaints of harassment? 2.1 21 22 what she told you? 22 A. I'm sorry. One more time. A. Yes. From her side of the story, yes. 23 23 Q. Did you believe that the fact that Q. Had you heard this from anyone else? 24 24 Jesse had complained previously of harassment had Page 242 Page 244 1 A. I had not. 1 any relevance to the fact that she currently is 2 Q. Is she just telling you this, or are 2 complaining of harassment? 3 there other people involved? 3 A. I don't think it had any bearing on it, 4 A. I don't remember where it happened. 4 no. Q. Or whether anyone else was there? 5 5 Q. Then why are you sharing with 6 A. Exactly, yes. 6 Kloosterman? Why did you want to make sure that 7 Q. And what was the context in which she 7 Kloosterman is aware that Jesse previously 8 is telling you this? I mean, did she just start 8 complained of harassment? 9 telling you? 9 MS. KIRKPATRICK: Objection. Asked and 10 A. I don't know that, either. 10 answered 11 Q. Why are you telling Kloosterman that 11 THE WITNESS: Yeah. I don't know. 12 she has been treated wrong for her looks in past? 12 BY MS. GURMANKIN 13 A. Because I remembered her telling me 13 Q. Do you think that knowing that Jesse 14 that story. had previously complained of harassment would make 14 15 Q. Okay. Do you think that was relevant? 15 it less likely that her current complaint would be 16 A. Yeah. believed? 16 17 Q. Okay. Why? 17 A. I don't -- no. A. Why? 18 Q. Is that why you were sharing that with 18 19 Q. Um-hmm. 19 Kloosterman? 20 A. Because it seemed like that's what she 20 A. I would say no. 21 was talking about, that there was harassment. I 21 Q. Did you share that with anyone else at believe, from Jesse's side of story, that there 22 22 23 was harassment. 23 A. Share what? 2.4 Q. So you wanted to make sure Kloosterman 24 Q. That Jesse had told you that she had

	Page 245		Page 247
1		1	
1	previously complained of harassment?	2	meeting with Kloosterman?
2	A. No.		MS. KIRKPATRICK: Objection.
3	Q. After your meeting with Kloosterman, up	3	THE WITNESS: I don't know.
4	until the time well, strike that.	4	BY MS. GURMANKIN
5	After your meeting with Kloosterman, do	5	Q. You said all you know is after your
6	you remember how long it was that Priest called	6	conversation with Priest, Jesse was moved. Right?
7	you the second time and told you her thought was	7	MS. KIRKPATRICK: Objection.
8	that you had not done anything wrong?	8	THE WITNESS: I don't know the
9	MS. KIRKPATRICK: Objection.	9	timeline. I know that I talked to HR and Jesse
10	THE WITNESS: I don't know that.	10	was moved afterwards.
11	BY MS. GURMANKIN	11	BY MS. GURMANKIN
12	Q. You don't remember the timing?	12	Q. Who in HR, Priest or Kloosterman?
13	A. No.	13	A. Priest.
14	 Q. Other than that phone call from Priest, 	14	Q. Was that the first conversation or the
15	did you have any other conversations with anyone	15	second conversation with Priest?
16	at Shell about Jesse's allegations or your	16	A. I don't know that.
17	complaints or I'm sorry or the	17	Q. Is it possible Jesse was moved before
18	investigation?	18	you talked to Kloosterman?
19	A. Counsel.	19	A. It may have been. I don't know.
20	MS. KIRKPATRICK: Other than counsel.	20	Q. And are you ever given any explanation
21	BY MS. GURMANKIN	21	by anyone at Shell as to why Jesse was moved?
22	Q. Let's exclude counsel for now.	22	A. No.
23	MS. KIRKPATRICK: I'm sorry? Other	23	Q. Other than you, did you ever learn
24	than counsel?	24	whether allegations had been made by Jesse against
	5 046		
	Page 246		Page 248
1	MS. GURMANKIN: I said let's exclude	1	Page 248 anyone else?
1 2	_	1 2	
	MS. GURMANKIN: I said let's exclude		anyone else? A. I see against Will by the questioning.
2	MS. GURMANKIN: I said let's exclude counsel for now.	2	anyone else?
2	MS. GURMANKIN: I said let's exclude counsel for now. THE WITNESS: I didn't hear that. Then	2 3	anyone else? A. I see against Will by the questioning. Q. You understood that in the meeting with
2 3 4	MS. GURMANKIN: I said let's exclude counsel for now. THE WITNESS: I didn't hear that. Then the answer is no. BY MS. GURMANKIN:	2 3 4	anyone else? A. I see against Will by the questioning. Q. You understood that in the meeting with Kloosterman? A. Yes.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MS. GURMANKIN: I said let's exclude counsel for now. THE WITNESS: I didn't hear that. Then the answer is no. BY MS. GURMANKIN: Q. At some point Jesse is moved out of the group. Right? A. She is. Q. Were you told why? A. No. Q. Did you ask anyone? A. No. Q. So as far as you knew, no explanation is given? MS. KIRKPATRICK: Objection. THE WITNESS: I knew that Michelle had talked to me and then Jesse was moved. I didn't talk to anyone about it. BY MS. GURMANKIN: Q. Are we talking about the second call with Priest in which she tells you her thought is that you hadn't done anything wrong? A. I don't know.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	anyone else? A. I see against Will by the questioning. Q. You understood that in the meeting with Kloosterman? A. Yes. Q. Other than the meeting with Kloosterman, any other discussions you had with Will or anyone in the group about allegations that Jesse made? A. I never discussed any allegations with anyone. Q. Or your interview with anyone. Right? A. Or my Q. Did you discuss your interview with Turney or anyone in his group? A. With the Kloosterman interview? Q. Yes. A. No, I did not. I did not discuss it with anyone. Q. After Jesse is moved out of the group, did you still have any interactions with her? A. I've seen her occasionally. Q. Where?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MS. GURMANKIN: I said let's exclude counsel for now. THE WITNESS: I didn't hear that. Then the answer is no. BY MS. GURMANKIN: Q. At some point Jesse is moved out of the group. Right? A. She is. Q. Were you told why? A. No. Q. Did you ask anyone? A. No. Q. So as far as you knew, no explanation is given? MS. KIRKPATRICK: Objection. THE WITNESS: I knew that Michelle had talked to me and then Jesse was moved. I didn't talk to anyone about it. BY MS. GURMANKIN: Q. Are we talking about the second call with Priest in which she tells you her thought is that you hadn't done anything wrong?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	anyone else? A. I see against Will by the questioning. Q. You understood that in the meeting with Kloosterman? A. Yes. Q. Other than the meeting with Kloosterman, any other discussions you had with Will or anyone in the group about allegations that Jesse made? A. I never discussed any allegations with anyone. Q. Or your interview with anyone. Right? A. Or my Q. Did you discuss your interview with Turney or anyone in his group? A. With the Kloosterman interview? Q. Yes. A. No, I did not. I did not discuss it with anyone. Q. After Jesse is moved out of the group, did you still have any interactions with her? A. I've seen her occasionally.

	Page 249		Page 251
1	Q. How about around the building?	1	questions to you about Jesse's allegations that
2	A. Sometimes.	2	Jesse had lied in connection with her allegations?
3	Q. Would you talk to her?	3	A. I thought that she had a different
4	A. No.	4	point of view. I wouldn't say that she lied.
5	Q. You would ignore her?	5	Q. Okay. You never concluded that she
6	A. No.	6	lied?
7	Q. Would you just nod at her?	7	A. No.
8	A. I waved at her. We would wave when we	8	Q. Is that correct?
9	would pass on the road. We were doing two	9	A. I just thought she had a different
10	completely separate jobs. So it was I don't	10	point of view.
11	interact with a lot of people in our building.	11	Q. Is that correct?
12	Q. Have you been told not to speak to her?	12	A. Yes.
13	A. No.	13	MS. GURMANKIN: Let me take two minutes
14	Q. Did you talk to her before you found	14	and see if I have anything else for you.
15	out about her allegations?	15	THE VIDEOGRAPHER: We are now going off
16	A. When she worked with us?	16	the record. Time on the camera is 4:26 p.m.
17	Q. Yeah.	17	(A recess was taken from 4:26 to 4:36
18	MS. KIRKPATRICK: Talk to her about	18	p.m.)
19	what? About anything?	19	THE VIDEOGRAPHER: We are now back on
20	BY MS. GURMANKIN:	20	the record at 4:36 p.m.
21	Q. Talked to her about work-related issue	21	BY MS. GURMANKIN:
22	obviously. Right?	22	Q. Were you ever disciplined at all in
23	A. When she worked with our group, I	23	connection with Jesse's allegations?
24	talked to her. When she moved out of our group, I	24	A. No.
	Page 250		Page 252
1			
	didn't work with her anymore, i didn't see her	1	Q. Were you ever disciplined at all in
2	didn't work with her anymore, I didn't see her very often, I didn't get the chance to talk to	1 2	Q. Were you ever disciplined at all in connection with what you told Kloosterman during
2	very often, I didn't get the chance to talk to her.		connection with what you told Kloosterman during
	very often, I didn't get the chance to talk to	2	· · · · · · · · · · · · · · · · · · ·
3	very often, I didn't get the chance to talk to her.	2 3	connection with what you told Kloosterman during the meeting with her? A. No.
3 4	very often, I didn't get the chance to talk to her. Q. Well, when you saw her in the field or	2 3 4	connection with what you told Kloosterman during the meeting with her?
3 4 5	very often, I didn't get the chance to talk to her. Q. Well, when you saw her in the field or in the building, would you say hello?	2 3 4 5	connection with what you told Kloosterman during the meeting with her? A. No. Q. The record retention e-mail that you
3 4 5 6	very often, I didn't get the chance to talk to her. Q. Well, when you saw her in the field or in the building, would you say hello? A. Yes.	2 3 4 5 6	connection with what you told Kloosterman during the meeting with her? A. No. Q. The record retention e-mail that you got telling you to make sure not to delete
3 4 5 6 7	very often, I didn't get the chance to talk to her. Q. Well, when you saw her in the field or in the building, would you say hello? A. Yes. Q. Oh. So you would talk to her?	2 3 4 5 6 7	connection with what you told Kloosterman during the meeting with her? A. No. Q. The record retention e-mail that you got telling you to make sure not to delete anything from your e-mail and phone, did you
3 4 5 6 7 8	very often, I didn't get the chance to talk to her. Q. Well, when you saw her in the field or in the building, would you say hello? A. Yes. Q. Oh. So you would talk to her? A. (Indicating.)	2 3 4 5 6 7 8	connection with what you told Kloosterman during the meeting with her? A. No. Q. The record retention e-mail that you got telling you to make sure not to delete anything from your e-mail and phone, did you delete anything from your e-mail or phone before
3 4 5 6 7 8 9	very often, I didn't get the chance to talk to her. Q. Well, when you saw her in the field or in the building, would you say hello? A. Yes. Q. Oh. So you would talk to her? A. (Indicating.) Q. You would just wave?	2 3 4 5 6 7 8 9	connection with what you told Kloosterman during the meeting with her? A. No. Q. The record retention e-mail that you got telling you to make sure not to delete anything from your e-mail and phone, did you delete anything from your e-mail or phone before you got that?
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3 4 5 6 7 8 9 10 11 12 13 14	very often, I didn't get the chance to talk to her. Q. Well, when you saw her in the field or in the building, would you say hello? A. Yes. Q. Oh. So you would talk to her? A. (Indicating.) Q. You would just wave? A. Yes. Q. So you would say hi? A. Yeah. Q. Would you make small talk? A. Yeah, I would say occasionally we have. Q. Were you annoyed when you found out that Jesse had made allegations against you?	2 3 4 5 6 7 8 9 10 11 12 13 14	connection with what you told Kloosterman during the meeting with her? A. No. Q. The record retention e-mail that you got telling you to make sure not to delete anything from your e-mail and phone, did you delete anything from your e-mail or phone before you got that? A. No. Q. How about since? A. No. Q. What kind of phone do you currently have? A. I don't know. Q. Is it an iPhone?
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	very often, I didn't get the chance to talk to her. Q. Well, when you saw her in the field or in the building, would you say hello? A. Yes. Q. Oh. So you would talk to her? A. (Indicating.) Q. You would just wave? A. Yes. Q. So you would say hi? A. Yeah. Q. Would you make small talk? A. Yeah, I would say occasionally we have. Q. Were you annoyed when you found out that Jesse had made allegations against you? A. No. No, I don't think so. Q. Why not?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	connection with what you told Kloosterman during the meeting with her? A. No. Q. The record retention e-mail that you got telling you to make sure not to delete anything from your e-mail and phone, did you delete anything from your e-mail or phone before you got that? A. No. Q. How about since? A. No. Q. What kind of phone do you currently have? A. I don't know. Q. Is it an iPhone? A. No. Q. Android?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	very often, I didn't get the chance to talk to her. Q. Well, when you saw her in the field or in the building, would you say hello? A. Yes. Q. Oh. So you would talk to her? A. (Indicating.) Q. You would just wave? A. Yes. Q. So you would say hi? A. Yeah. Q. Would you make small talk? A. Yeah, I would say occasionally we have. Q. Were you annoyed when you found out that Jesse had made allegations against you? A. No. No, I don't think so. Q. Why not? A. Why not?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	connection with what you told Kloosterman during the meeting with her? A. No. Q. The record retention e-mail that you got telling you to make sure not to delete anything from your e-mail and phone, did you delete anything from your e-mail or phone before you got that? A. No. Q. How about since? A. No. Q. What kind of phone do you currently have? A. I don't know. Q. Is it an iPhone? A. No. Q. Android? A. It's an Android phone, but I don't even
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	very often, I didn't get the chance to talk to her. Q. Well, when you saw her in the field or in the building, would you say hello? A. Yes. Q. Oh. So you would talk to her? A. (Indicating.) Q. You would just wave? A. Yes. Q. So you would say hi? A. Yeah. Q. Would you make small talk? A. Yeah, I would say occasionally we have. Q. Were you annoyed when you found out that Jesse had made allegations against you? A. No. No, I don't think so. Q. Why not? A. Why not? Q. Um-hmm.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	connection with what you told Kloosterman during the meeting with her? A. No. Q. The record retention e-mail that you got telling you to make sure not to delete anything from your e-mail and phone, did you delete anything from your e-mail or phone before you got that? A. No. Q. How about since? A. No. Q. What kind of phone do you currently have? A. I don't know. Q. Is it an iPhone? A. No. Q. Android? A. It's an Android phone, but I don't even know what brand name or anything like that.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	very often, I didn't get the chance to talk to her. Q. Well, when you saw her in the field or in the building, would you say hello? A. Yes. Q. Oh. So you would talk to her? A. (Indicating.) Q. You would just wave? A. Yes. Q. So you would say hi? A. Yeah. Q. Would you make small talk? A. Yeah, I would say occasionally we have. Q. Were you annoyed when you found out that Jesse had made allegations against you? A. No. No, I don't think so. Q. Why not? A. Why not? Q. Um-hmm. A. Because it is what it is. Right? I	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	connection with what you told Kloosterman during the meeting with her? A. No. Q. The record retention e-mail that you got telling you to make sure not to delete anything from your e-mail and phone, did you delete anything from your e-mail or phone before you got that? A. No. Q. How about since? A. No. Q. What kind of phone do you currently have? A. I don't know. Q. Is it an iPhone? A. No. Q. Android? A. It's an Android phone, but I don't even know what brand name or anything like that. Q. How long have you had your current
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	very often, I didn't get the chance to talk to her. Q. Well, when you saw her in the field or in the building, would you say hello? A. Yes. Q. Oh. So you would talk to her? A. (Indicating.) Q. You would just wave? A. Yes. Q. So you would say hi? A. Yeah. Q. Would you make small talk? A. Yeah, I would say occasionally we have. Q. Were you annoyed when you found out that Jesse had made allegations against you? A. No. No, I don't think so. Q. Why not? A. Why not? Q. Um-hmm. A. Because it is what it is. Right? I didn't mean any harm. I didn't do any harm. So	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	connection with what you told Kloosterman during the meeting with her? A. No. Q. The record retention e-mail that you got telling you to make sure not to delete anything from your e-mail and phone, did you delete anything from your e-mail or phone before you got that? A. No. Q. How about since? A. No. Q. What kind of phone do you currently have? A. I don't know. Q. Is it an iPhone? A. No. Q. Android? A. It's an Android phone, but I don't even know what brand name or anything like that. Q. How long have you had your current phone?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	very often, I didn't get the chance to talk to her. Q. Well, when you saw her in the field or in the building, would you say hello? A. Yes. Q. Oh. So you would talk to her? A. (Indicating.) Q. You would just wave? A. Yes. Q. So you would say hi? A. Yeah. Q. Would you make small talk? A. Yeah, I would say occasionally we have. Q. Were you annoyed when you found out that Jesse had made allegations against you? A. No. No, I don't think so. Q. Why not? A. Why not? Q. Um-hmm. A. Because it is what it is. Right? I didn't mean any harm. I didn't do any harm. So it's just just allegations. That's all.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	connection with what you told Kloosterman during the meeting with her? A. No. Q. The record retention e-mail that you got telling you to make sure not to delete anything from your e-mail and phone, did you delete anything from your e-mail or phone before you got that? A. No. Q. How about since? A. No. Q. What kind of phone do you currently have? A. I don't know. Q. Is it an iPhone? A. No. Q. Android? A. It's an Android phone, but I don't even know what brand name or anything like that. Q. How long have you had your current phone? A. One year.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	very often, I didn't get the chance to talk to her. Q. Well, when you saw her in the field or in the building, would you say hello? A. Yes. Q. Oh. So you would talk to her? A. (Indicating.) Q. You would just wave? A. Yes. Q. So you would say hi? A. Yeah. Q. Would you make small talk? A. Yeah, I would say occasionally we have. Q. Were you annoyed when you found out that Jesse had made allegations against you? A. No. No, I don't think so. Q. Why not? A. Why not? Q. Um-hmm. A. Because it is what it is. Right? I didn't mean any harm. I didn't do any harm. So	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	connection with what you told Kloosterman during the meeting with her? A. No. Q. The record retention e-mail that you got telling you to make sure not to delete anything from your e-mail and phone, did you delete anything from your e-mail or phone before you got that? A. No. Q. How about since? A. No. Q. What kind of phone do you currently have? A. I don't know. Q. Is it an iPhone? A. No. Q. Android? A. It's an Android phone, but I don't even know what brand name or anything like that. Q. How long have you had your current phone?

			Page 255
1	A. Yep.	1	you got?
2	Q. Do you still have the one you had	2	A. I don't know.
3	before your current one?	3	Q. You don't remember?
4	A. No.	4	A. No. I'm thinking my phone is new. But
5	Q. What happened to that?	5	now it's paid for, so maybe it isn't as new as I'm
6	A. When I got this phone, I sold it to the	6	thinking it is.
7	Verizon people.	7	Q. It may have been before a year ago that
8	Q. Was all of the information, to your	8	you got the current one?
9	knowledge, downloaded from the old phone into the	9	A. I believe so.
10	new phone?	10	Q. When you say there is no text history,
11	A. I think so.	11	I just want to make sure. Did you text with
12	Q. Are you guessing or do you have any	12	employees of Shell during your employment?
13	knowledge as to whether that was done?	13	A. All the time.
14	A. They transferred my contacts and stuff	14	Q. But when you say there is no text
15	like that.	15	history, you mean there's nothing regarding Jesse
16	Q. How about text messages?	16	or her claim. Is that correct?
17	A. I don't know if they come along or not.	17	A. Right. When I looked between the two
18	Q. Does Android have a cloud service, do	18	of us, there was nothing there at all.
19	you know?	19	Q. What do you mean?
20	A. I don't know.	20	A. There's no text history. Her contact
21	Q. Did you ever look at your text messages	21	is there, and if you hit the text button there is
22	from 2016 through today to see if there was	22	nothing there. It's as if we've never texted.
23	anything that you had that was relevant to Jesse	23	Q. But you have texted with Jesse?
24	or her allegations?	24	A. Oh, yeah.
	Page 254		Page 256
1	A. Through my text messages?	1	Q. So what happened to the text exchanges?
2	Q. Um-hmm.	2	A. I don't know.
3	A. There is no text history.	3	Q. Did do you anything to try to retrieve
4	Q. Did you ever look through your texts to	4	them?
5	confirm that there is nothing in there that	5	A. No.
6	relates to Jesse or her allegations?	6	Q. Did you look through your texts with
7	A. There is no text history.	7	other employees at Shell to see if there is
8	Q. What does that mean?	8	anything in there regarding Jesse or her
9	A. There's there's nothing there.	9	allegations?
10	Q. Did you look?	10	A. I did not.
11	A. Yes.	11	MS. GURMANKIN: Okay. That's all I
12	Q. When?	12	have for you right now.
13	A. Whenever they told me to make sure that	13	MS. KIRKPATRICK: I have no questions.
14	I saved all of the information.	14	THE VIDEOGRAPHER: This will conclude
15	Q. When you got that e-mail?	15	file number three in the videotaped deposition of
16	A. Yes.	16	Ken Foreman in the matter of Barnes v. Shell, et
17	Q. You looked through your texts when you	17	al.
18	got that e-mail?	18	We are going off the record at
19 20	A. Yes.	19 20	4:35 p.m., concluding this deposition for today.
	Q. And you didn't see anything related to	20	(4:35 p.m., deposition concluded.)
21 22	Jesse or her allegation?	21 22	
23	A. There's nothing there.Q. Was there before or after you got your	23	
24	current phone, the record retention e-mail that	24	
7.4			

	Page 257	Page 259
1	COUNTY OF LYCOMING :	1 ERRATA SHEET
2	COMMONWEALTH OF PENNSYLVANIA:	2 Attach to Deposition of: KEN FOREMAN
3		Taken on: February 14, 2020
4	I, Lori A. Fausnaught, RMR/CRR, do	3 In the matter of: Barnes v. Shell Exploration and
5	hereby certify that personally appeared before me,	Production Co. Appalachia, et al.
6	KEN FOREMAN; the witness, being by me first duly	4
7	sworn to testify the truth, the whole truth and	5 PAGE LINE NO. CHANGE REASON
8	nothing but the truth, in answer to oral questions	6
9	propounded to him by the attorneys for the	7
10	respective parties, testified as set forth in the	8
11	foregoing deposition.	9
12	I further certify that before the taking	10
13	of said deposition, the above witness was duly	10
14	sworn, that the questions and answers were taken	13
15	down stenographically by the said Lori A.	14
16	Fausnaught, Court Reporter, Williamsport,	15
17	Pennsylvania, approved and agreed to, and	16
18	afterwards reduced to typewriting under the	17
19	direction of the said Reporter.	18
20	In testimony whereof, I have hereunto	19
21	subscribed my hand this 23rd day of September,	20
22	2020.	21
23	s/Lori A. Fausnaught, RMR, CRR	22
24	Lori A. Fausnaught, RMR, CRR	24
	Page 258	Page 260
1	INSTRUCTIONS TO THE WITNESS	1 SIGNATURE PAGE
2	INCINCOTIONS TO THE WITHESS	± GIGNATONET AGE
	Read your deposition over carefully	2
3	Read your deposition over carefully It is your right to read your deposition and make	2 3
3 4	It is your right to read your deposition and make	
3 4 5	It is your right to read your deposition and make changes in form or substance. You should assign a	3
4	It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata	3 4
4 5	It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made.	3 4 5 I hereby acknowledge that I have
4 5 6	It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata	3 4 5 I hereby acknowledge that I have 6 read the aforegoing transcript, dated February 14, 7 2020, and the same is a true and correct 8 transcription of the answers given by me to the
4 5 6 7	It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or	3 4 5 I hereby acknowledge that I have 6 read the aforegoing transcript, dated February 14, 7 2020, and the same is a true and correct 8 transcription of the answers given by me to the 9 questions propounded, except for the changes, if
4 5 6 7 8	It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following	I hereby acknowledge that I have read the aforegoing transcript, dated February 14, 2020, and the same is a true and correct transcription of the answers given by me to the questions propounded, except for the changes, if any, noted on the Errata Sheet.
4 5 6 7 8 9	It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change,	I hereby acknowledge that I have read the aforegoing transcript, dated February 14, 2020, and the same is a true and correct transcription of the answers given by me to the questions propounded, except for the changes, if any, noted on the Errata Sheet.
4 5 6 7 8 9	It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it.	I hereby acknowledge that I have read the aforegoing transcript, dated February 14, 2020, and the same is a true and correct transcription of the answers given by me to the questions propounded, except for the changes, if any, noted on the Errata Sheet.
4 5 6 7 8 9 10	It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it. Then sign your deposition at the	I hereby acknowledge that I have read the aforegoing transcript, dated February 14, 2020, and the same is a true and correct transcription of the answers given by me to the questions propounded, except for the changes, if any, noted on the Errata Sheet.
4 5 6 7 8 9 10 11	It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it. Then sign your deposition at the end of your testimony in the space provided. You	I hereby acknowledge that I have read the aforegoing transcript, dated February 14, 2020, and the same is a true and correct transcription of the answers given by me to the questions propounded, except for the changes, if any, noted on the Errata Sheet.
4 5 6 7 8 9 10 11 12	It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it. Then sign your deposition at the end of your testimony in the space provided. You are signing it subject to the changes you have	I hereby acknowledge that I have read the aforegoing transcript, dated February 14, 2020, and the same is a true and correct transcription of the answers given by me to the questions propounded, except for the changes, if any, noted on the Errata Sheet.
4 5 6 7 8 9 10 11 12 13 14	It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it. Then sign your deposition at the end of your testimony in the space provided. You are signing it subject to the changes you have made in the errata sheet, which will be attached	I hereby acknowledge that I have read the aforegoing transcript, dated February 14, 2020, and the same is a true and correct transcription of the answers given by me to the questions propounded, except for the changes, if any, noted on the Errata Sheet.
4 5 6 7 8 9 10 11 12 13 14	It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it. Then sign your deposition at the end of your testimony in the space provided. You are signing it subject to the changes you have made in the errata sheet, which will be attached to the deposition before filing. You must sign it	I hereby acknowledge that I have read the aforegoing transcript, dated February 14, 2020, and the same is a true and correct transcription of the answers given by me to the questions propounded, except for the changes, if any, noted on the Errata Sheet.
4 5 6 7 8 9 10 11 12 13 14 15	It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it. Then sign your deposition at the end of your testimony in the space provided. You are signing it subject to the changes you have made in the errata sheet, which will be attached to the deposition before filing. You must sign it in front of a witness. Have the witness sign in	I hereby acknowledge that I have read the aforegoing transcript, dated February 14, 2020, and the same is a true and correct transcription of the answers given by me to the questions propounded, except for the changes, if any, noted on the Errata Sheet.
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it. Then sign your deposition at the end of your testimony in the space provided. You are signing it subject to the changes you have made in the errata sheet, which will be attached to the deposition before filing. You must sign it in front of a witness. Have the witness sign in the space provided. The witness need not be a notary public. Any competent adult may witness your signature. Return the original errata sheet to your counsel promptly. Court rules require filing within thirty days after you receive the	I hereby acknowledge that I have read the aforegoing transcript, dated February 14, 2020, and the same is a true and correct transcription of the answers given by me to the questions propounded, except for the changes, if any, noted on the Errata Sheet. SIGNATURE: KEN FOREMAN B DATE: 20
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it. Then sign your deposition at the end of your testimony in the space provided. You are signing it subject to the changes you have made in the errata sheet, which will be attached to the deposition before filing. You must sign it in front of a witness. Have the witness sign in the space provided. The witness need not be a notary public. Any competent adult may witness your signature. Return the original errata sheet to your counsel promptly. Court rules require filing	I hereby acknowledge that I have read the aforegoing transcript, dated February 14, 2020, and the same is a true and correct transcription of the answers given by me to the questions propounded, except for the changes, if any, noted on the Errata Sheet. SIGNATURE: KEN FOREMAN DATE: WITNESSED BY:

Exhibit 9



Compressed Transcript of the Testimony of HONDO BLAKLEY, 8/16/19

Case: Barnes v. Shell Exploration & Production Company Appalachia, et al.

Summit Court Reporting, Inc.

Phone: 215.985.2400

Fax: 215.985.2420

Email: depo@summitreporting.com Internet: www.summitreporting.com

Page 1	Page 3
	1 INDEX
IN THE UNITED STATES DISTRICT COURT	2
	3 WITNESS: HONDO BLAKLEY 4 QUESTIONED BY: PAGE
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA	5 Ms. Gurmankin 8, 370 Mr. Tucker 366
JESSE BARNES, : CIVIL ACTION-LAW	6
Plaintiff, :	7 EXHIBITS 8
vs. :	MARKED
: SHELL EXPLORATION AND : PRODUCTION COMPANY : APPALACHIA; SHELL :	9 NUMBER DESCRIPTION FOR ID 10 Exhibit 1 Email, 2/9/2017, Thomas 55 Underholt to Michelle
EXPLORATION AND :	11 Priest, and attachments,
PRODUCTION COMPANY; : SHELL OIL COMPANY, :	Shell_0000883 through
Defendants. : NO. 18-1497	12 Shell_0000892 13 Exhibit 2 Training session for 58 supervisors on the Shell
Videotaped deposition of HONDO BLAKLEY,	14 Code of Conduct, took place
taken at the Holiday Inn Express, Conference Room,	February 8th, and attachments, Shell_0000802
100 Pine Street, Williamsport, Pennsylvania,	through Shell_0000806
17701, on Friday, August 16, 2019, beginning at	16 Exhibit 3 Our Code of Conduct, 62
8:56 a.m. before Nancy J. Taguinot, RPR, CCR(NJ),	17 Shell_0000588 through Shell_0000631
Registered Professional Reporter and Notary Public	18
in and for the Commonwealth of Pennsylvania.	Exhibit 4 Shell Anti-Harassment Policy 67 19 and Shell Equal Opportunity Policy, Shell_0001056 and
	20Shell_0001057
SUMMIT COURT REPORTING, INC.	21 Exhibit 5 Interview Questions: Hondo 119
Certified Court Reporters and Videographers 1500 Walnut Street, Suite 1610 Philadelphia, Pennsylvania 19102	Blakley, 12/7/2016, 22 Shell_0001132 through
424 Fleming Pike, Hammonton, New Jersey 08037	Shell_0001136
(215) 985-2400 * (609) 567-3315 * (800)447-8648 www.summitreporting.com	24
Page 2	Page 4
1 APPEARANCES:	1 EXHIBITS
2 CONSOLE MATTIACCI LAW	(Continued)
BY: CAREN N. GURMANKIN, ESQUIRE	2 MARKED
3 1525 Locust Street, 9th Floor Philadelphia, Pennsylvania 19102	3 NUMBER DESCRIPTION FOR ID
4 TEL: (215) 545-7676	4 Exhibit 6 Experienced Hire JG6-10, 188 Individual Performer, Final
EMAIL: GURMANKIN@CONSOLELAW.COM	5 Assessment Interview Rating
5	Form, Shell_0000087 through 6 Shell_0000111
Representing the Plaintiff	7 Exhibit 7 Civil Cover Sheet and 211
TUCKER LAW GROUP	attached Complaint
7 BY: JOE H. TUCKER, JR., ESQUIRE	Exhibit 8 Answer with Affirmative 251 9 Defenses to Plaintiff's
1801 Market Street, Suite 2500 8 Philadelphia, Pennsylvania 19103	Complaint
TEL: (215) 875-0609	10 Exhibit 9 Case Details 257
9 EMAIL: jtucker@tlgattorneys.com	11 SHELL-16-11-0050,
Representing the Defendants	Confidential Memorandum, 12 Shell_0001106 through
ALSO PRESENT:	Shell_0001110
12	13 Exhibit 10 Email, 4/12/13, Hondo 268
JESSE BARNES, Via Cell Phone BRYCE CONNOR, Videographer	14 Blakley to David Summers and
13 BRICE CONNOR, Videographier	attachment, Shell_0000076 15 through Shell_0000078
15	16 Exhibit 11 39102BR-Scheduler Job 350
L6	Description, Shell_0000878 17 through Shell_0000881
.7 .8	18 Exhibit 12 Email, 8/1/2017, William 358
	Turney to Michelle Priest, 19 Shell_0000642 through Shell_0000668
	AUGU VUUUDÕ
20	20
20 21 22	20 21
19 20 21 22 23 24	20

	Dage F		Page 7
	Page 5		Page 7
1	PERCOLLION OF BEDGET INDEX	1	Reporting, Incorporated.
2	DEPOSITION SUPPORT INDEX	2	Counsel will now please state their
3 4	Direction to Witness Not to Answer	3	appearance and firm affiliation for the
5	PAGE LINE	4	record.
6	25 20	5	MS. GURMANKIN: Caren Gurmankin of
Ü	26 23	6	Console Mattiacci Law for the Plaintiff.
7	73 23	7	MR. TUCKER: Joe Tucker on behalf of
	74 12	8	Shell Oil.
8	74 18	9	VIDEOGRAPHER: Will the court reporter
	75 7	10	now please swear in the witness.
9	180 13	11	
10		12	HONDO BLAKLEY,
11 12		13	having been first duly sworn, was
13		14	examined and testified as follows:
14		15	
15		16	MR. TUCKER: I think the record should
16		17	reflect that Ms. Jesse Barnes is also
17		18	attending this deposition via speakerphone.
18		19	So I think that should be noted for the
19		20	record, that her appearance is not physically
20		21	here, but she is listening and hearing the
21		22	deposition that's going on.
22 23		23	
24		24	EXAMINATION
21			E// WIII/(TIOIV
	Page 6		Page 8
1		1	
2	(It is hereby stipulated and agreed by	2	BY MS. GURMANKIN:
3	and between counsel for the respective	3	Q. Mr. Blakley, good morning.
4	parties that sealing, certification, and	4	A. Good morning.
5	filing are waived and that all objections,	5	Q. We met out in the hallway, but just
6	except as to the form of the question, are	6	for the record, my names Caren Gurmankin and I
7	reserved until the time of trial.)	7	have the privilege of representing Jesse Barnes in
8		8	a lawsuit that she's filed against Shell for sex
9	VIDEOGRAPHER: We are on the record,	9	discrimination and retaliation.
10	8:56 a.m. The date today is August 16, 2019.	10	Have you ever had your deposition
11	This is the start of media unit number one in	11	taken before?
12	the videotaped deposition of Hondo Blakley in	12	A. Yes.
13	the matter of Jesse Barnes v. Shell	13	Q. How many times?
14	Exploration and Production Company	14	A. One.
15	Appalachia, et al., filed in the U.S.	15	Q. When?
16	District Court, Middle District of PA, Number	16	A. Four years ago or five years ago.
17	18-1497.	17	Q. Okay. I'm sure you're familiar with
18	This deposition is being held at 100	18	the rules, but I'm going to go through them again
19	Pine Street, Williamsport, PA, 17701.	19	with you so that you and I are on the same page.
20	My name is Bryce Connor from the firm	20	I'm going to go ask you a series of
21	of Summit Court Reporting, Incorporated, and	21	questions today. If I ask you a question and you
22	I am the videotape operator.	22	don't understand my question, I need you to tell
23	The court reporter today is Nancy	23	me so I can rephrase it.
	Taguinot, also from the firm of Summit Court	24	A. (Witness nods head.)
24			

Page 12

Page 9

1 2

Q. If I ask you a question and you answer my question, I'm going to assume that you've understood it and that you've answered it accordingly.

Do you understand that?

A. Yes.

Q. As you've been doing, we need you to keep giving verbal responses to my questions. The deposition is being recorded by video, but it will also result in a written transcript and the court reporter can't note if you shake your head or say uh-huh.

Do you understand that?

- A. Yes.
- Q. Even though the deposition is being conducted in a boardroom at a hotel, it has the same force and effect as if you were testifying in federal court in front of a federal judge and jury.

You've just taken an oath to tell the truth. If you don't tell the truth, and that includes saying you don't know when you do know or you don't remember when you do remember, that's considered perjury and that's a felony.

Page 11

- A. Hiring of an employee.
- Q. Were you a witness?

A. Yes.

MR. TUCKER: Hondo, take your hands away from your microphone.

THE WITNESS: Sorry about that.

BY MS. GURMANKIN:

- Q. What was a summary of the issue regarding the hiring of an employee that led to you being deposed?
- A. I don't know that I can answer that.
 MR. TUCKER: Yes, you can. You can.
 THE WITNESS: Could you repeat the question?

15 BY MS. GURMANKIN:

Q. Sure.

What was the nature of the issue regarding the hiring of the employee that led to you being deposed about four or five years ago?

Page 10

Do you understand that?

- A. Yes.
- Q. Just for the sake of the written transcript, even if you anticipate what my question's going to be, try to let me finish my entire question before you answer it; and likewise, I'll try to let you finish your entire answer before I ask you the next question.

Do you understand that?

- A. Yes
- Q. Is there any reason why you would not be able to testify truthfully today regarding events that have occurred in the past?
 - A. No.
 - Q. What's your date of birth?

A.

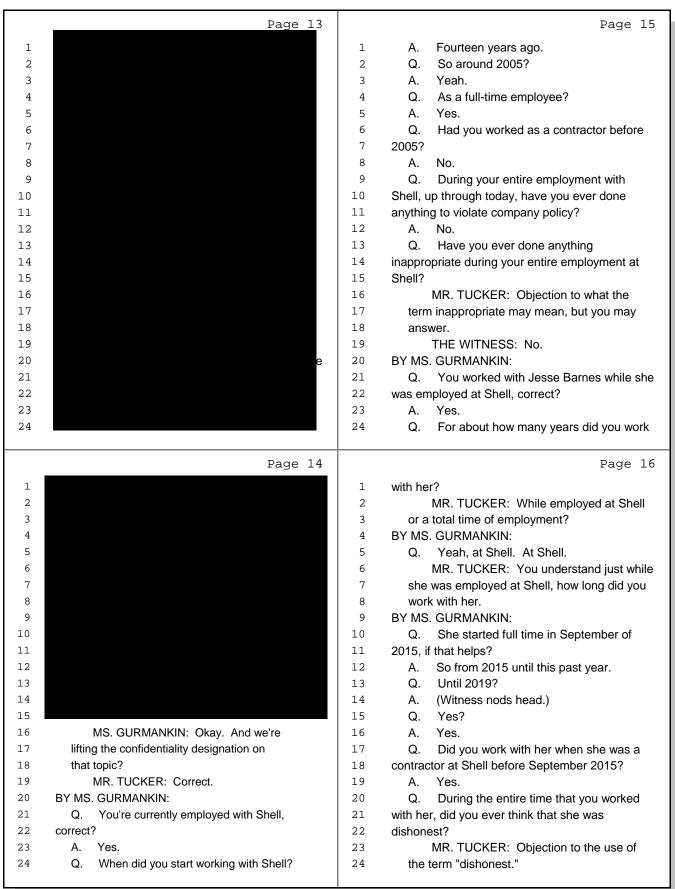
- Q. The deposition that you testified in about four or five years ago, what was that in connection with?
 - A. Some other work-related issues.
 - Q. Connected to your employment with
- Shell?

Α.

Yes.

Q. What was the nature of that issue?





	Page 17		Page 19
1		1	
1 2	You may answer. THE WITNESS: No.	1 2	,
3	BY MS. GURMANKIN:	3	chemical plant in Pittsburgh? A. No.
4	Q. During the entire time that you worked	4	Q. But you worked with him before he went
5	with her, did you ever conclude that she violated	5	to the chemical plant in Pittsburgh?
6	company policy?	6	A. Yes.
7	A. No.	7	Q. As a result of your working with him,
8	Q. During the entire time that you worked	8	do you have any reason to doubt his honesty or
9	with her, did you ever conclude that she did	9	integrity?
10	anything inappropriate?	10	A. No.
11	MR. TUCKER: Objection to the use of	11	Q. Do you have a phone that the company
12	the term "inappropriate."	12	pays for?
13	You may answer.	13	A. Yes.
14	THE WITNESS: No.	14	 Q. And how long has the company paid for
15	BY MS. GURMANKIN:	15	your phone?
16	Q. Do you know who Wayne Fletcher is?	16	 A. My entire employment.
17	A. Yes.	17	Q. From 2005?
18	Q. Who is he?	18	A. Yes.
19	 A. The safety tech. 	19	 Q. Do you still have the same phone that
20	Q. You've worked with him?	20	you had in 2016?
21	A. Yes.	21	A. Yes.
22	Q. For about how many years?	22	Q. Do you have any text messages to or
23	 Approximately the same amount of 	23	from Jesse Barnes on your phone?
24	years.	24	A. Yes.
	Page 18		Page 20
1	Q. As what?	1	Q. Has anyone from the company asked you
2	A. As a he was a safety tech.	2	to send text messages that you have on your phone
3	Q. Approximately the same amount of years	3	to or from Jesse Barnes?
4	as what?	4	MR. TUCKER: Objection. Do not
5	A. Since 2014.		
	A. Ollice 2014.	5	have you are not to talk about any
6		5 6	have you are not to talk about any conversations that you may or may not have
6 7			
	Q. Okay. Through the present?	6	conversations that you may or may not have
7	Q. Okay. Through the present? A. Yup.	6 7	conversations that you may or may not have had with an attorney. Outside of
7 8	Q. Okay. Through the present?A. Yup.Q. As a result of your working with	6 7 8	conversations that you may or may not have had with an attorney. Outside of MS. GURMANKIN: He has
7 8 9	Q. Okay. Through the present?A. Yup.Q. As a result of your working withFletcher, do you have any reason to doubt his	6 7 8 9	conversations that you may or may not have had with an attorney. Outside of MS. GURMANKIN: He has MR. TUCKER: Outside of that, you may
7 8 9 10	Q. Okay. Through the present?A. Yup.Q. As a result of your working withFletcher, do you have any reason to doubt his honesty or integrity?	6 7 8 9 10	conversations that you may or may not have had with an attorney. Outside of MS. GURMANKIN: He has MR. TUCKER: Outside of that, you may answer her question.
7 8 9 10 11	 Q. Okay. Through the present? A. Yup. Q. As a result of your working with Fletcher, do you have any reason to doubt his honesty or integrity? A. No. Q. Who's Matt Empsen? 	6 7 8 9 10 11	conversations that you may or may not have had with an attorney. Outside of MS. GURMANKIN: He has MR. TUCKER: Outside of that, you may answer her question. MS. GURMANKIN: It's a yes or no question. It doesn't go to the substance of
7 8 9 10 11 12	 Q. Okay. Through the present? A. Yup. Q. As a result of your working with Fletcher, do you have any reason to doubt his honesty or integrity? A. No. Q. Who's Matt Empsen? A. A former Shell employee. 	6 7 8 9 10 11 12	conversations that you may or may not have had with an attorney. Outside of MS. GURMANKIN: He has MR. TUCKER: Outside of that, you may answer her question. MS. GURMANKIN: It's a yes or no
7 8 9 10 11 12 13	Q. Okay. Through the present? A. Yup. Q. As a result of your working with Fletcher, do you have any reason to doubt his honesty or integrity? A. No. Q. Who's Matt Empsen? A. A former Shell employee. Q. Do you know when he left?	6 7 8 9 10 11 12 13	conversations that you may or may not have had with an attorney. Outside of MS. GURMANKIN: He has MR. TUCKER: Outside of that, you may answer her question. MS. GURMANKIN: It's a yes or no question. It doesn't go to the substance of any communications.
7 8 9 10 11 12 13 14	 Q. Okay. Through the present? A. Yup. Q. As a result of your working with Fletcher, do you have any reason to doubt his honesty or integrity? A. No. Q. Who's Matt Empsen? A. A former Shell employee. Q. Do you know when he left? A. He still works for Shell, just not in 	6 7 8 9 10 11 12 13 14	conversations that you may or may not have had with an attorney. Outside of MS. GURMANKIN: He has MR. TUCKER: Outside of that, you may answer her question. MS. GURMANKIN: It's a yes or no question. It doesn't go to the substance of any communications. THE WITNESS: Yes.
7 8 9 10 11 12 13 14 15	Q. Okay. Through the present? A. Yup. Q. As a result of your working with Fletcher, do you have any reason to doubt his honesty or integrity? A. No. Q. Who's Matt Empsen? A. A former Shell employee. Q. Do you know when he left? A. He still works for Shell, just not in Appalachia.	6 7 8 9 10 11 12 13 14 15	conversations that you may or may not have had with an attorney. Outside of MS. GURMANKIN: He has MR. TUCKER: Outside of that, you may answer her question. MS. GURMANKIN: It's a yes or no question. It doesn't go to the substance of any communications. THE WITNESS: Yes. BY MS. GURMANKIN: Q. Have you done that?
7 8 9 10 11 12 13 14 15	 Q. Okay. Through the present? A. Yup. Q. As a result of your working with Fletcher, do you have any reason to doubt his honesty or integrity? A. No. Q. Who's Matt Empsen? A. A former Shell employee. Q. Do you know when he left? A. He still works for Shell, just not in Appalachia. Q. Okay. When did you work with him? 	6 7 8 9 10 11 12 13 14 15	conversations that you may or may not have had with an attorney. Outside of MS. GURMANKIN: He has MR. TUCKER: Outside of that, you may answer her question. MS. GURMANKIN: It's a yes or no question. It doesn't go to the substance of any communications. THE WITNESS: Yes. BY MS. GURMANKIN: Q. Have you done that? A. Yes.
7 8 9 10 11 12 13 14 15 16 17	Q. Okay. Through the present? A. Yup. Q. As a result of your working with Fletcher, do you have any reason to doubt his honesty or integrity? A. No. Q. Who's Matt Empsen? A. A former Shell employee. Q. Do you know when he left? A. He still works for Shell, just not in Appalachia. Q. Okay. When did you work with him? A. 2016 through 2018 probably, end of	6 7 8 9 10 11 12 13 14 15 16	conversations that you may or may not have had with an attorney. Outside of MS. GURMANKIN: He has MR. TUCKER: Outside of that, you may answer her question. MS. GURMANKIN: It's a yes or no question. It doesn't go to the substance of any communications. THE WITNESS: Yes. BY MS. GURMANKIN: Q. Have you done that? A. Yes. Q. Who did you send them to?
7 8 9 10 11 12 13 14 15 16 17 18	Q. Okay. Through the present? A. Yup. Q. As a result of your working with Fletcher, do you have any reason to doubt his honesty or integrity? A. No. Q. Who's Matt Empsen? A. A former Shell employee. Q. Do you know when he left? A. He still works for Shell, just not in Appalachia. Q. Okay. When did you work with him? A. 2016 through 2018 probably, end of	6 7 8 9 10 11 12 13 14 15 16 17 18	conversations that you may or may not have had with an attorney. Outside of MS. GURMANKIN: He has MR. TUCKER: Outside of that, you may answer her question. MS. GURMANKIN: It's a yes or no question. It doesn't go to the substance of any communications. THE WITNESS: Yes. BY MS. GURMANKIN: Q. Have you done that? A. Yes. Q. Who did you send them to? A. One of the legal counsel.
7 8 9 10 11 12 13 14 15 16 17 18	 Q. Okay. Through the present? A. Yup. Q. As a result of your working with Fletcher, do you have any reason to doubt his honesty or integrity? A. No. Q. Who's Matt Empsen? A. A former Shell employee. Q. Do you know when he left? A. He still works for Shell, just not in Appalachia. Q. Okay. When did you work with him? A. 2016 through 2018 probably, end of 2017. Q. In 2017, 2018, is that when he moved 	6 7 8 9 10 11 12 13 14 15 16 17	conversations that you may or may not have had with an attorney. Outside of MS. GURMANKIN: He has MR. TUCKER: Outside of that, you may answer her question. MS. GURMANKIN: It's a yes or no question. It doesn't go to the substance of any communications. THE WITNESS: Yes. BY MS. GURMANKIN: Q. Have you done that? A. Yes. Q. Who did you send them to? A. One of the legal counsel. Q. Who?
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 Q. Okay. Through the present? A. Yup. Q. As a result of your working with Fletcher, do you have any reason to doubt his honesty or integrity? A. No. Q. Who's Matt Empsen? A. A former Shell employee. Q. Do you know when he left? A. He still works for Shell, just not in Appalachia. Q. Okay. When did you work with him? A. 2016 through 2018 probably, end of 2017. Q. In 2017, 2018, is that when he moved to another area of Shell? 	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	conversations that you may or may not have had with an attorney. Outside of MS. GURMANKIN: He has MR. TUCKER: Outside of that, you may answer her question. MS. GURMANKIN: It's a yes or no question. It doesn't go to the substance of any communications. THE WITNESS: Yes. BY MS. GURMANKIN: Q. Have you done that? A. Yes. Q. Who did you send them to? A. One of the legal counsel. Q. Who? A. Rosa.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. Through the present? A. Yup. Q. As a result of your working with Fletcher, do you have any reason to doubt his honesty or integrity? A. No. Q. Who's Matt Empsen? A. A former Shell employee. Q. Do you know when he left? A. He still works for Shell, just not in Appalachia. Q. Okay. When did you work with him? A. 2016 through 2018 probably, end of 2017. Q. In 2017, 2018, is that when he moved to another area of Shell? A. Yes.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	conversations that you may or may not have had with an attorney. Outside of MS. GURMANKIN: He has MR. TUCKER: Outside of that, you may answer her question. MS. GURMANKIN: It's a yes or no question. It doesn't go to the substance of any communications. THE WITNESS: Yes. BY MS. GURMANKIN: Q. Have you done that? A. Yes. Q. Who did you send them to? A. One of the legal counsel. Q. Who? A. Rosa. Q. Last name?
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Okay. Through the present? A. Yup. Q. As a result of your working with Fletcher, do you have any reason to doubt his honesty or integrity? A. No. Q. Who's Matt Empsen? A. A former Shell employee. Q. Do you know when he left? A. He still works for Shell, just not in Appalachia. Q. Okay. When did you work with him? A. 2016 through 2018 probably, end of 2017. Q. In 2017, 2018, is that when he moved to another area of Shell? A. Yes. Q. Where did he go, do you know?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	conversations that you may or may not have had with an attorney. Outside of MS. GURMANKIN: He has MR. TUCKER: Outside of that, you may answer her question. MS. GURMANKIN: It's a yes or no question. It doesn't go to the substance of any communications. THE WITNESS: Yes. BY MS. GURMANKIN: Q. Have you done that? A. Yes. Q. Who did you send them to? A. One of the legal counsel. Q. Who? A. Rosa. Q. Last name? A. Garcia.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. Through the present? A. Yup. Q. As a result of your working with Fletcher, do you have any reason to doubt his honesty or integrity? A. No. Q. Who's Matt Empsen? A. A former Shell employee. Q. Do you know when he left? A. He still works for Shell, just not in Appalachia. Q. Okay. When did you work with him? A. 2016 through 2018 probably, end of 2017. Q. In 2017, 2018, is that when he moved to another area of Shell? A. Yes.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	conversations that you may or may not have had with an attorney. Outside of MS. GURMANKIN: He has MR. TUCKER: Outside of that, you may answer her question. MS. GURMANKIN: It's a yes or no question. It doesn't go to the substance of any communications. THE WITNESS: Yes. BY MS. GURMANKIN: Q. Have you done that? A. Yes. Q. Who did you send them to? A. One of the legal counsel. Q. Who? A. Rosa. Q. Last name?

		Page 21		Page 23
1	A.	The end of last year.	1	she's making in this case?
2	Q.	The end of 2018?	2	A. Yes.
3	A.	Yeah.	3	Q. When?
4	Q.	Did you check to see if you had any	4	 A. When I first was requested in 2018.
5	other d	ocuments or pictures or anything else on	5	Q. By whom?
6	your pl	none related to Jesse Barnes?	6	A. HR rep rep.
7	A.	Yes.	7	Q. Who?
8	Q.	What else did you look for?	8	A. Megan Kloosterman.
9	A.	That was it.	9	Q. And that was 2018?
10	Q.	Did you look for anything else?	10	A. I believe so.
11	A.	Other than text messages?	11	Q. Was it at the time that Megan
12	Q.	Yeah.	12	Kloosterman interviewed you as part of
13	A.	Yeah. Nothing was there.	13	A. Yes.
14	Q.	What did you look for?	14	Q an investigation?
15	A.	Emails.	15	MR. TUCKER: Let her let her finish
16	Q.	Anything else?	16	her question before you answer. Even though
17	A.	No.	17	you may anticipate her question, the young
18	Q.	Did you look to see if you had any	18	lady seated there to you right can't take
19	picture	s?	19	down if both you and she are talking at the
20	A.	No.	20	same time, and also you cannot hear her
21	Q.	Has anyone from Shell ever asked you	21	question or understand her question if you're
22	if you h	ad any pictures on your phone related to	22	answering it while she's asking it. Okay?
23	Jesse I	Barnes or the allegations that she's making	23	THE WITNESS: (Witness nods head.)
24	in this	case?	24	BY MS. GURMANKIN:
		Page 22		Page 24
1	A.	Yes.	1	Q. Did Megan Kloosterman ask you to look
2	Q.	And did you look?	2	for documents in your office space to see if you
3	A.	No.	3	had anything related to Jesse Barnes at the time
4	Q.	Why not?	4	that she interviewed you as part of an
5	A.	I know I didn't have any.	5	investigation into complaints that Jesse was
6	Q.	But you didn't look to check, correct?	6	making?
7	A.	Correct.	7	A. Yes.
8	Q.	As of 2016, did you have an office at	8	 Q. Okay. And did that happen before
9	Shell	or a cubicle?	9	2018?
10	A.	Yes.	10	A. Right at the end of 2017, 2018, when
11	Q.	A dedicated space that you used?	11	the allegations were made.
12	A.	Yes.	12	Q. Did you look for documents in your
13	Q.	Okay. Do you still have that same	13	office space or your work space at that time?
14	dedica	ted space?	14	A. Yes.
15	A.	No.	15	Q. Did you find anything?
16	Q.	When did you move?	16	A. No.
17	A.	2018.	17	 Q. Have you looked at any point since
18	Q.	And where did you relocate to?	18	then to see if you have any documents related to
19	A.	Another space across the hall.	19	Jesse in your work space?
20	Q.	Same area?	20	A. No.
21	A.	Yes.	21	Q. Has anyone from Shell ever asked you
22	Q.	Did you ever look in your space to see	22	if they could see your phone and check the
23	-	nad any hard copies of documents, papers	23	contents on it?
24	related	I to Jesse Barnes or the allegations that	24	A. Yes.
			1	

	Page 25		Page 27
1	Q. Who?	1	MS. GURMANKIN: When is not
2	A. Our legal counsel.	2	attorney/client privileged.
3	Q. Name?	3	MR. TUCKER: Don't answer that
4	MR. TUCKER: Let me see my client	4	question.
5	outside for a second. Let's go off the	5	MS. GURMANKIN: You're instructing him
6	record.	6	not to answer
7	VIDEOGRAPHER: We're now going off the	7	MR. TUCKER: Yes.
8	record. The time on the camera is 9:12 a.m.	8	MS. GURMANKIN: based
9		9	on attorney/client privilege based on the
10	(Whereupon, a recess was taken from	10	question when?
11	9:12 a.m. until 9:14 a.m.)	11	MR. TUCKER: Yes.
12		12	MS. GURMANKIN: It's Defendants'
13	VIDEOGRAPHER: We are now back on the	13	assertion that when is a privileged
14	record at 9:14 a.m.	14	communication?
15	BY MS. GURMANKIN:	15	MR. TUCKER: He's not going
16	Q. What's the name of the legal counsel	16	MS. GURMANKIN: A date is a privileged
17	at Shell who asked to see your phone?	17	communication?
18	A. Rosa Garcia.	18	
19	Q. And did you hand it over to her?	19	MR. TUCKER: He's not going to answer the question, Counsel.
20	MR. TUCKER: Objection. Don't answer.	20	BY MS. GURMANKIN:
21	MS. GURMANKIN: Why not?	21	
22	•	22	Q. Are you listening to your attorney's
	MR. TUCKER: Attorney/client		instruction not to answer the question
23	privilege.	23	MR. TUCKER: Yes, he is.
24	MS. GURMANKIN: The answer to the	24	MS. GURMANKIN: as to when that
	Page 26		Page 28
1	question did you hand it over to her	1	happened?
2	MR. TUCKER: Yes.	2	MR. TUCKER: Yes, he's going to listen
3	MS. GURMANKIN: yes, no?	3	to that question. Yes, he's going to follow
4	MR. TUCKER: Yes.	4	my advice too.
5	MS. GURMANKIN: What communications	5	MS. GURMANKIN: Are you going to
6	does that go to?	6	answer the question, Joe, of what is the
7	MR. TUCKER: He's not going to answer	7	basis for the assertion that when is an
8	the question, Counsel. You can move on.	8	attorney-client privilege objection?
9	MS. GURMANKIN: What communications	9	MR. TUCKER: I'm not here to be
10	does that go to?	10	deposed, Counsel, and I will never I'm not
11	MR. TUCKER: He's not going to answer	11	here to answer questions being posed to me
12	the question, Counsel.	12	during the deposition.
13	BY MS. GURMANKIN:	13	BY MS. GURMANKIN:
14	Q. Did she look at your phone?	14	Q. Has anyone else from Shell other than
15	MR. TUCKER: You can answer that.	15	Rosa Garcia asked to see your phone?
16	THE WITNESS: Repeat the question.	16	A. No.
17	BY MS. GURMANKIN:	17	Q. What's your educational background?
18	Q. Did she look at your phone?	18	A. I graduated high school.
19	A. No.	19	Q. When?
20	Q. Why not?	20	A. 1997.
21	A. I don't recall exactly why.	21	Q. You have your high school degree?
	Q. When did she ask you?	22	A. Uh-huh.
22	· J · ·	I .	
22 23	MR. TUCKER: Don't answer that	23	Q. Yes?
	MR. TUCKER: Don't answer that question, counselor. I mean	23 24	Q. Yes? A. Yes.

1			Page 29			Page 31
2	1	Q.	Do you have a college degree?	1	Q.	Did you take them at Shell?
3				2	A.	•
4 that you have a college degree? 4 Did you take the classes that led to 5 A. No. 5 the certification at Shell? 6 Q. You sure? 6 A. I don't understand what "at Shell" means. 8 Q. Have you taken any college coursework? 8 Q. At the workplace or another institution? 10 Q. Where? 10 A. Yes. 11 A. Online. 11 Q. At Shell? 12 Q. I'm sorry? 12 A. One was at Shell. 13 A. Online. 13 Q. Which one? 14 Q. With what institution? 14 A. CPR/first aid. 15 A. I don't recall the name. 15 Q. Where was OSHA? 16 Q. What coursework did you take? 18 Q. Immediately prior to working at Shell in 2005, where were you employed? 17 A. Safety. 19 A. Sure Safe. 20 Q. How many classes? 20 A. Sure Safe? 21 A. Ten. 21 A. With seasons and shead.) 22 Q. Ten?? 22 A. With seasons an	3	Q.	Have you ever represented anywhere	3	Q.	•
5	4	that you		4		Did you take the classes that led to
7	5	-		5	the cer	
8	6	Q.	You sure?	6	A.	I don't understand what "at Shell"
9	7	A.	Yes.	7	means	
9	8	Q.	Have you taken any college coursework?	8	Q.	At the workplace or another
11	9	A.		9	instituti	
12	10	Q.	Where?	10	A.	Yes.
13 A. Online. 13 Q. Which one? 14 Q. With what institution? 14 A. CPR/first aid. 15 A. I don't recall the name. 15 Q. Where was OSHA? 16 Q. When? 16 A. Red Rocks Community College in Denver, 17 A. Probably around 2007. 17 Colorado. 18 Q. What coursework did you take? 18 Q. Immediately prior to working at Shell 19 A. Safety. 19 in 2005, where were you employed? 20 Q. How many classes? 20 A. Sure Safe? 21 A. Ten. 21 Q. Sure Safe? 22 Q. Ten? 22 A. (Witness nods head.) 23 A. Yes. 24 A. Yes. Page 30 Page 30 Page 32 1 A. Yes. Page 30 Page 32 1 A. Yes. Page 30 Page 32 A. Yes. Q. All with the same online institution? A. Yes. Q. All in 2007? A. Two thousand from 2005 to back to 2003, approximate. Vo 2004, approximate. Q. What what position were you in at to 2005, approximate. Q. What what position were you in at to 2005, approximate. Q. What what position were you in at to 2005 to back to 2005, approximate. Q. What what position were you in at to 2005 to back to 2005, approximate. Q. What what position were you in at to 2005	11	A.	Online.	11	Q.	At Shell?
13 A. Online. 13 Q. Which one? 14 Q. With what institution? 14 A. CPR/first aid. 15 A. I don't recall the name. 15 Q. Where was OSHA? 16 Q. When? 16 A. Red Rocks Community College in Denver, 17 A. Probably around 2007. 17 Colorado. 18 Q. What coursework did you take? 18 Q. Immediately prior to working at Shell 19 A. Safety. 19 in 2005, where were you employed? 20 Q. How many classes? 20 A. Sure Safe? 21 A. Ten. 21 Q. Sure Safe? 22 Q. Ten? 22 A. (Witness nods head.) 23 A. Yes. 24 A. Yes. Page 30 Page 30 Page 32 1 A. Yes. Page 30 Page 32 1 A. Yes. Page 30 Page 32 A. Yes. Q. All with the same online institution? A. Yes. Q. All in 2007? A. Two thousand from 2005 to back to 2003, approximate. Vo 2004, approximate. Q. What what position were you in at to 2005, approximate. Q. What what position were you in at to 2005, approximate. Q. What what position were you in at to 2005 to back to 2005, approximate. Q. What what position were you in at to 2005 to back to 2005, approximate. Q. What what position were you in at to 2005	12	Q.	I'm sorry?	12	A.	One was at Shell.
15 A. I don't recall the name. 15 Q. Where was OSHA? 16 Q. When? 16 A. Red Rocks Community College in Denver, 17 A. Probably around 2007. 17 Colorado. 18 Q. What coursework did you take? 18 Q. Immediately prior to working at Shell 19 A. Safety. 19 in 2005, where were you employed? 20 Q. How many classes? 20 A. Sure Safe. 21 A. Ten. 21 Q. Sure Safe? 22 Q. Ten? 22 A. (Witness nods head.) 23 A. (Witness nods head.) 23 Q. Yes? 24 Q. Yes? 24 A. Yes. 2 Q. All with the same online institution? 2 A. Two thousand from 2005 to back 3 A. Yes. 1 Q. For what years? Page 32 1 A. Yes. 1 Q. For what years? A. Two thousand from 2005 to back 3 A. Yes. 1 Q. For what years? A. Two thousand from 2005 to back 3 A. Yes.	13	A.	-	13	Q.	Which one?
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17 A. Probably around 2007. 17 Colorado. 18 Q. What coursework did you take? 18 Q. Immediately prior to working at Shell in 2005, where were you employed? 20 Q. How many classes? 20 A. Sure Safe. 21 A. Ten. 21 Q. Sure Safe? 22 Q. Ten? 22 A. (Witness nods head.) 23 A. (Witness nods head.) 23 Q. Yes? 24 A. Yes. 24 A. Yes. 2 Q. All with the same online institution? 2 A. Two thousand from 2005 to back to 2003, approximate. 4 Q. All in 2007? 4 Q. What what position were you in at Sure Safe? 4 Q. Did Shell pay for that? 4 Q. What what position were you in at Sure Safe? 5 A. Yes. 5 Sure Safe? 6 Q. Did Shell pay for that? 6 A. Safety consultant. 7 A. No. 7 Q. Were you a full-time employee? 8 Q. Other than your high school of certifications? 8 A. Yes. 10 A. Yes.	15	A.	I don't recall the name.	15	Q.	Where was OSHA?
17 A. Probably around 2007. 17 Colorado. 18 Q. What coursework did you take? 18 Q. Immediately prior to working at Shell in 2005, where were you employed? 20 Q. How many classes? 20 A. Sure Safe. 21 A. Ten. 21 Q. Sure Safe? 22 Q. Ten? 22 A. (Witness nods head.) 23 A. (Witness nods head.) 23 Q. Yes? 24 A. Yes. 24 A. Yes. 2 Q. All with the same online institution? 2 A. Two thousand from 2005 to back to 2003, approximate. 3 A. Yes. 3 to 2003, approximate. 4 Q. All in 2007? 4 Q. What what position were you in at Sure Safe? 5 A. Yes. 5 Sure Safe? 6 Q. Did Shell pay for that? 6 A. Safety consultant. 7 A. No. 7 Q. Were you a full-time employee? 8 Q. Other than your high school diploma, do you have any other degrees post high school or certification? 8 A. Yes. 10 A. Yes.	16	Q.	When?	16	A.	Red Rocks Community College in Denver,
18 Q. What coursework did you take? 18 Q. Immediately prior to working at Shell in 2005, where were you employed? 20 Q. How many classes? 20 A. Sure Safe. 21 A. Ten. 21 Q. Sure Safe? 22 Q. Ten? 22 A. (Witness nods head.) 23 A. (Witness nods head.) 23 Q. Yes? 24 A. Yes. 24 A. Yes. 2 Q. All with the same online institution? 2 A. Two thousand from 2005 to back to 2003, approximate. 3 A. Yes. 3 to 2003, approximate. 4 Q. All in 2007? 4 Q. What what position were you in at Sure Safe? 5 A. Yes. 5 Sure Safe? 6 Q. Did Shell pay for that? 6 A. Safety consultant. 7 A. No. 7 Q. Were you a full-time employee? 8 Q. Other than your high school diploma, do you have any other degrees post high school or certifications? 8 A. Yes. 10 Certification? 10 A. Better opportunity. 11 A. Yes. </td <td>17</td> <td>A.</td> <td>Probably around 2007.</td> <td>17</td> <td>Colora</td> <td></td>	17	A.	Probably around 2007.	17	Colora	
19	18	Q.	What coursework did you take?	18	Q.	Immediately prior to working at Shell
20	19	A.	<u>-</u>	19	in 2005	
21	20	Q.	-	20		
23	21			21	Q.	Sure Safe?
23	22	Q.	Ten?	22	A.	(Witness nods head.)
Page 30	23	A.	(Witness nods head.)	23	Q.	
1 A. Yes. 2 Q. All with the same online institution? 3 A. Yes. 4 Q. All in 2007? 5 A. Yes. 6 Q. Did Shell pay for that? 7 A. No. 8 Q. Other than your high school diploma, 9 do you have any other degrees post high school or 10 certifications? 11 A. Yes. 12 Q. Why did you leave? 13 A. I'm certified in CPR and first aid. 14 Q. Anything else? 15 A. OSHA certification. 16 Q. Anything else? 17 A. No. 18 Q. What? 19 Q. Why did you with every ou a full-time employee? 10 A. Better opportunity. 11 A. Yes. 12 Q. What? 13 A. I'm certified in CPR and first aid. 14 Q. Anything else? 15 A. OSHA certification. 16 Q. Anything else? 17 A. No. 18 Q. When did you get the CPR/first aid 19 certification? 20 A. Two years ago. 21 Q. How about OSHA? 21 A. No. 22 A. Ten years ago. 22 Q. At Sure Safe did you take any training	24			24	A.	Yes.
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11 A. Yes. 12 Q. What? 13 A. I'm certified in CPR and first aid. 14 Q. Anything else? 15 A. OSHA certification. 16 Q. Anything else? 17 A. No. 18 Q. When did you get the CPR/first aid 19 certification? 20 A. Two years ago. 21 Q. How about OSHA? 22 A. Ten years ago. 21 Q. At Shell? 22 A. Yes. 13 Q. You left voluntarily? 14 A. Yes. 15 Q. To your knowledge, was there ever a complaint made about you while you were employed at Sure Safe? 16 complaint made about you while you were employed at Sure Safe? 20 A. No. 21 A. No. 22 A. Two years ago. 22 Q. At Sure Safe did you take any training		=				•
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13 A. I'm certified in CPR and first aid. 14 Q. Anything else? 15 A. OSHA certification. 16 Q. Anything else? 16 Complaint made about you while you were employed 17 A. No. 18 Q. When did you get the CPR/first aid 19 Certification? 19 Q. Were you ever disciplined at Sure 20 A. Two years ago. 21 Q. How about OSHA? 22 A. Ten years ago. 21 Q. At Sure Safe did you take any training						
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21 Q. How about OSHA? 21 A. No. 22 A. Ten years ago. 22 Q. At Sure Safe did you take any training						vvere you ever disciplined at sure
22 A. Ten years ago. 22 Q. At Sure Safe did you take any training			· · · · · ·			No
23 W. Onen pay for entrer or those! 23 on the anti-natassinent or anti-usoninination						
24 A. Yes. 24 laws?						and narassinent of anti-discinfilliation
21 A. 165.	27	۸.	163.	47	iaws:	

			1
	Page 33		Page 35
1	A. No.	1	Q. Were you working at Weldon's while you
2	Q. Ever report to a woman during your	2	were employed at this company you were at
3	employment at Sure Safe?	3	immediately prior to Sure Safe?
4	A. No.	4	A. Yes.
5	 Q. Immediately prior to Sure Safe, where 	5	Q. Were you working at both companies the
6	were you?	6	entire time from '99 through 2003?
7	A. Could you repeat that?	7	Could you repeat that?
8	Q. Sure.	8	Q. Sure.
9	Immediately prior to Sure Safe, where	9	Were you working at Weldon's
10	were you employed?	10	Construction at the same time you were working at
11	A. I don't recollect the name.	11	this company that you can't remember the name of
12	 Q. How long were you employed at that 	12	the entire period from '99 through 2003?
13	company that you can't remember the name of?	13	A. No. Not at the same time.
14	A. Four years.	14	Q. All right. But you were at Weldon's
15	Q. Is that from about '99 through 2003?	15	from '99 through 2003?
16	A. Yeah.	16	A. I was at Weldon's Construction.
17	Q. What position did you hold there?	17	Q. I'm sorry, from '98 to 2003?
18	A. Roustabout.	18	A. I left Weldon's to go to work for
19	THE REPORTER: I'm sorry?	19	the that other company, and then Sure Safe.
20	THE WITNESS: Roustabout.	20	Q. When did you leave Weldon's?
21	BY MS. GURMANKIN:	21	Right before I went to work for the
22	Q. Full-time employee?	22	other company.
23	A. Yes.	23	Q. So you were there you were at
24	Q. Why did you leave?	24	Weldon's from about '98 through '99?
	Page 34		Page 26
-			Page 36
1	A. Better opportunity.	1	A. Yeah.
2	Q. At Sure Safe?	2	Q. What position were you in at Weldon's?
3	A. Yes.	3	A. Roustabout.
4	Q. You left voluntarily?	4	Q. You were a full-time employee?
5	A. Yes.	5	A. Yes.
6	Q. To your knowledge, was there ever a	6	Q. To your knowledge, was there ever a
7	complaint made about you at this company you were	7	complaint made about you while you were at
8	at immediately prior to Sure Safe?	8	Weldon's?
9	A. No. Q. Were you ever disciplined	9	A. No. Q. Ever subject to any discipline while
10	Q. Were you ever disciplined	10	The Ever stiniers to any discipline while
11			, , , ,
11	A. No.	11	you were at Weldon's?
12	A. No.Q during your employment with that	11 12	you were at Weldon's? A. No.
12 13	A. No.Q during your employment with that company?	11 12 13	you were at Weldon's? A. No. Q. Did you ever take any training on the
12 13 14	A. No.Q during your employment with that company?A. No.	11 12 13 14	you were at Weldon's? A. No. Q. Did you ever take any training on the anti-discrimination or anti-harassment laws while
12 13 14 15	 A. No. Q during your employment with that company? A. No. Q. Did you ever report to a woman while 	11 12 13 14 15	you were at Weldon's? A. No. Q. Did you ever take any training on the anti-discrimination or anti-harassment laws while you were at Weldon's?
12 13 14 15 16	 A. No. Q during your employment with that company? A. No. Q. Did you ever report to a woman while you were at that company? 	11 12 13 14 15 16	you were at Weldon's? A. No. Q. Did you ever take any training on the anti-discrimination or anti-harassment laws while you were at Weldon's? A. No.
12 13 14 15 16 17	 A. No. Q during your employment with that company? A. No. Q. Did you ever report to a woman while you were at that company? A. No. 	11 12 13 14 15 16	you were at Weldon's? A. No. Q. Did you ever take any training on the anti-discrimination or anti-harassment laws while you were at Weldon's? A. No. Q. How about at that company you were at
12 13 14 15 16 17	 A. No. Q during your employment with that company? A. No. Q. Did you ever report to a woman while you were at that company? A. No. Q. Immediately prior to that company, 	11 12 13 14 15 16 17	you were at Weldon's? A. No. Q. Did you ever take any training on the anti-discrimination or anti-harassment laws while you were at Weldon's? A. No. Q. How about at that company you were at between Weldon's and Sure Safe, ever take any
12 13 14 15 16 17 18 19	 A. No. Q during your employment with that company? A. No. Q. Did you ever report to a woman while you were at that company? A. No. Q. Immediately prior to that company, from '99 through 2003, where were you? 	11 12 13 14 15 16 17 18 19	you were at Weldon's? A. No. Q. Did you ever take any training on the anti-discrimination or anti-harassment laws while you were at Weldon's? A. No. Q. How about at that company you were at between Weldon's and Sure Safe, ever take any training on the anti-discrimination or
12 13 14 15 16 17 18 19 20	A. No. Q during your employment with that company? A. No. Q. Did you ever report to a woman while you were at that company? A. No. Q. Immediately prior to that company, from '99 through 2003, where were you? A. Weldon's Construction.	11 12 13 14 15 16 17 18 19 20	you were at Weldon's? A. No. Q. Did you ever take any training on the anti-discrimination or anti-harassment laws while you were at Weldon's? A. No. Q. How about at that company you were at between Weldon's and Sure Safe, ever take any training on the anti-discrimination or anti-harassment laws there?
12 13 14 15 16 17 18 19 20 21	A. No. Q during your employment with that company? A. No. Q. Did you ever report to a woman while you were at that company? A. No. Q. Immediately prior to that company, from '99 through 2003, where were you? A. Weldon's Construction. Q. I'm sorry. What was the first name?	11 12 13 14 15 16 17 18 19 20 21	you were at Weldon's? A. No. Q. Did you ever take any training on the anti-discrimination or anti-harassment laws while you were at Weldon's? A. No. Q. How about at that company you were at between Weldon's and Sure Safe, ever take any training on the anti-discrimination or anti-harassment laws there? A. No.
12 13 14 15 16 17 18 19 20 21 22	A. No. Q during your employment with that company? A. No. Q. Did you ever report to a woman while you were at that company? A. No. Q. Immediately prior to that company, from '99 through 2003, where were you? A. Weldon's Construction. Q. I'm sorry. What was the first name? A. Weldon's.	11 12 13 14 15 16 17 18 19 20 21 22	you were at Weldon's? A. No. Q. Did you ever take any training on the anti-discrimination or anti-harassment laws while you were at Weldon's? A. No. Q. How about at that company you were at between Weldon's and Sure Safe, ever take any training on the anti-discrimination or anti-harassment laws there? A. No. Q. Ever report to a woman while you were
12 13 14 15 16 17 18 19 20 21 22 23	A. No. Q during your employment with that company? A. No. Q. Did you ever report to a woman while you were at that company? A. No. Q. Immediately prior to that company, from '99 through 2003, where were you? A. Weldon's Construction. Q. I'm sorry. What was the first name? A. Weldon's. Q. From when?	11 12 13 14 15 16 17 18 19 20 21 22 23	you were at Weldon's? A. No. Q. Did you ever take any training on the anti-discrimination or anti-harassment laws while you were at Weldon's? A. No. Q. How about at that company you were at between Weldon's and Sure Safe, ever take any training on the anti-discrimination or anti-harassment laws there? A. No. Q. Ever report to a woman while you were at Weldon's?
12 13 14 15 16 17 18 19 20 21	A. No. Q during your employment with that company? A. No. Q. Did you ever report to a woman while you were at that company? A. No. Q. Immediately prior to that company, from '99 through 2003, where were you? A. Weldon's Construction. Q. I'm sorry. What was the first name? A. Weldon's.	11 12 13 14 15 16 17 18 19 20 21 22	you were at Weldon's? A. No. Q. Did you ever take any training on the anti-discrimination or anti-harassment laws while you were at Weldon's? A. No. Q. How about at that company you were at between Weldon's and Sure Safe, ever take any training on the anti-discrimination or anti-harassment laws there? A. No. Q. Ever report to a woman while you were

	Page 37		
1	Q. And immediately prior to Weldon's	1	
2	starting in '98, where were you?	2	(Whereupon, a recess was taken from
3	A. Prior to?	3	9:26 a.m. until 9:29 a.m.)
4	Q. Yeah.	4	
5	A. Wendy's.	5	VIDEOGRAPHER: We're now back on the
6	Q. Was that since your graduation from	6	record at 9:29 a.m.
7	high school?	7	BY MS. GURMANKIN:
8	A. Yes.	8	Q. What position were you promoted into
9	Q. Did you leave Wendy's when you started	9	in 2012, 2013?
10	at Weldon's in '98?	10	A. Staff associate.
11	A. Yes.	11	Q. Did your reporting structure change?
12	Q. Any other places that you've been	12	Did you still report to Ken Brown or were you
13	employed since you graduated from high school?	13	reporting to someone else after you were promoted?
14	A. No.	14	A. I was reporting to someone else.
15		15	Q. Who?
16	Q. How was it that you started working at Shell in 2005?	16	A. I was reporting to Tomas Hinojosa.
17	A. I applied for the HSE job and was	17	Q. Male, correct?
18	successful.	18	A. Yes.
19	Q. Was it posted?	19	Q. And his title?
20	A. Yes.	20	A. Superintendent.
		21	•
21 22	Q. Where did you see it posted?	22	Q. How long did you hold the staff associate position?
	A. The local newspaper.	23	
23	Q. Did you interview? A. Yes.	24	A. Two, three years.
24	A. Yes.	24	MS. GURMANKIN: Can you hand me the
	Page 38		Page 40
1	Q. With whom?	1	phone for a second?
2	A. George Cook, Ken Brown.	2	MR. TUCKER: Do you want to go off the
3	Q. Anyone else?	3	video record?
4	A. No.	4	MS. GURMANKIN: Okay.
5	Q. When you started, what was your first	5	BY MS. GURMANKIN:
6	position?	6	Q. What happened after two, three years?
7	A. HSE tech.	7	A. I had got a role as an HSE tech again.
8	Q. Who did you report to?	8	Q. Was that a demotion?
9	A. Ken Brown.	9	A. No.
10	Q. What was his position?	10	Q. If you were promoted from HSE tech to
11	A. Operations manager.	11	staff associate, how is it not a demotion to go
12	Q. How long were you HSE tech?	12	from staff associate back to HSE tech?
13	A. Several years.	13	A. Because I asked for it.
14	Q. Until about when?	14	Q. Why?
15	A. 2012, 2013.	15	A. Because to get the staff associate
16	Q. And then what happened?	16	promotion, I had to take a relocation to Texas.
17	A. I got a promotion.	17	The field was being sold in Texas and we just
18	MR. TUCKER: Excuse me. Are you	18	purchased a field in Pennsylvania, and my ability
19	picking up this air here? Are you getting	19	and knowledge, training as an HSE tech made me a
20	it?	20	prime candidate to go to Pennsylvania.
21	MS. GURMANKIN: Let's go off for a	21	Q. Did you have your option to stay in
22	sec.	22	Texas?
23	VIDEOGRAPHER: We're now going off the	23	A. Yes.
24	record. The time on the camera is 9:26 a.m.	24	Q. You wanted to come back to
i			

	Page 41		Page 43
1	Pennsylvania?	1	Q. And that was in Pennsylvania?
2	A. I wanted to go to Pennsylvania.	2	A. Yes.
3	Q. Were you in Texas from 2005?	3	Q. So you relocated to Pennsylvania in
4	A. No.	4	around 2010?
5	Q. When did you relocate to Texas?	5	A. Yes.
6	A. 2007.	6	Q. When you relocated to Pennsylvania and
7	Q. In order to come to Pennsylvania, was	7	became an HSE tech again, who were you reporting
8	it your understanding that you would have to	8	to?
9	become an HSE tech again?	9	A. Rick Mykitta.
10	A. Yes.	10	Q. What was his title?
11	Q. Who told you that?	11	A. Operations manager.
12	A. Rick Mykitta.	12	Q. Where in Pennsylvania were you
13	Q. Who was he?	13	working?
14	A. The operations manager for	14	A. Wellsboro.
15	Pennsylvania.	15	Q. How long did you hold the HSE position
16	Q. So you came to Pennsylvania as an HSE	16	the second time?
17	tech?	17	A. Two years.
18	A. Yes.	18	Q. Until about 2012?
19	Q. When?	19	A. Yeah.
20	A. 2010.	20	Q. And then what happened?
21	Q. Well, you had said that you were	21	A. I got promoted to a field supervisor.
22		22	Q. Was that position posted?
23	promoted to staff associate in 2012, 2013; is that accurate?	23	A. Yes.
24		24	
24	A. No.	24	Q. Did you apply?
	Page 42		Page 44
1	Q. When were you promoted to staff	1	A. Yes.
2	associate?	2	Q. Were you interviewed?
3	A. Around 2008.	3	A. Yes.
4	Q. You were a staff associate for about	4	Q. By whom?
5	two years?	5	A. Danny Echols.
6	A. (Witness nods head.)	6	Q. Anyone else?
7	Q. Yes?	7	A. No.
8	A. Yes.	8	Q. Do you know if anyone else applied for
9	Q. And then you went back to being HSE	9	the position of field supervisor?
10	tech?	10	A. No.
11	A. No. I went to be an HSE tech, not	11	Q. You got that promotion?
12	back.	12	A. Yes.
13	Q. You started as an HSE tech?	13	Q. Who were you reporting to when you
14	A. Correct.	14	became field supervisor?
15	Q. And then you were a staff associate	15	A. Danny Echols.
16	A. Yes.	16	Q. His title?
17	Q for about two years? Right?	17	A. Production superintendent.
18	A. Yes.	18	Q. Still working in Wellsboro as field
19	Q. And then in 2010 you went back to	19	supervisor?
20	being an HSE tech?	20	A. Was I?
21	A. No. I went to be an HSE tech.	21	Q. Yeah.
		22	A. After I was promoted, yes.
22	 Q. A position that you had already held 		7t. 7ttol 1 was promoted, yes.
	Q. A position that you had already held before your promotion as staff associate, correct?	23	Q. How long did you hold the position of
22			•

		Page 45		Page 47
1	A.	Approximately two, three years.	1	role.
2	Q.	Till around 2015?	2	Q. That was a promotion?
3	A.	Yeah, approximately.	3	A. Yes.
4	Q.	And then what happened?	4	Q. Was that position posted?
5	A.	I got a role as a process improvement	5	A. Yes.
6	lead.		6	Q. Did you apply?
7	Q.	Was that a promotion?	7	A. Yes.
8	A.	Yes.	8	Q. Did you interview?
9	Q.	Was that position posted?	9	A. Yes.
10	A.	Yes.	10	Q. With who?
11	Q.	Did you apply for it?	11	 A. Greg Larsen and Steve Craig.
12	A.	Yes.	12	Q. Do you know if anyone else applied?
13	Q.	Were you interviewed?	13	A. Yes.
14	A.	Yes.	14	Q. Who else?
15	Q.	By whom?	15	 A. I don't know who. I just know there
16	A.	Robin Grouette.	16	were other applicants.
17	Q.	Anyone else?	17	Q. How do you know?
18	A.	No.	18	 You can see it on the posting.
19	Q.	When you were promoted into process	19	 Q. That there were other applicants, but
20	improv	ement lead, were you still based in	20	not who?
21	Wellsb	oro?	21	A. Correct.
22	A.	No.	22	Q. Who told you that you got that
23	Q.	Where were you based?	23	position?
24	A.	Pittsburgh.	24	A. Steve Craig.
		Page 46		Page 48
1	Q.	How long were you based in Pittsburgh?	1	Q. When you got that position, where did
2		Almost two years.	2	you work?
3		To around 2017?	3	A. Wellsboro, Pennsylvania.
4		Yeah.	4	Q. Full time?
5	Q.	When you were based in Pittsburgh from	5	A. Yes.
6		015 through about 2017, did you work at all	6	Q. Reporting to whom?
7		/ellsboro?	7	A. Greg Larsen.
8	A.	Yes.	8	Q. Do you still hold that position?
9	Q.	About how often?	9	A. No.
10		A few times a month I would drive up.	10	Q. When did that change?
11	Q.	And about how long would you stay each	11	A. 2000 I'm sorry. Could you repeat
12	visit?	, , , , , , , , , , , , , , , , , , ,	12	the question?
13		No longer than a week.	13	Q. Sure.
14	Q.	So you would stay for about a week or	14	When did that change that you were no
15		er than a week a few times a months from	15	longer production superintendent?
16		ough 2017?	16	A. So let me rephrase. I am I thought
17		Yes.	17	you meant if Greg Larsen still held that position,
18	Q.	And how long did you remain process	18	but I still hold my position.
19		ment lead?	19	Q. As production superintendent?
20	Α.	Through two, three years. So probably	20	A. Superintendent.
21		2018. The end of 2017 right into '18.	21	Q. You've held that position since around
22	-	nere right in there.	22	late '17, early '18?
23	Q.	What happened then?	23	A. Correct.
24		I got the production superintendent	24	Q. What was Greg Larsen's title when you

	Silen Exploration & Production Company Apparachia, et al.		HONDO BLAKLET, 6/10/13
	Page 49		Page 51
1	started reporting to him when you were promoted	1	Q. What happened after about a year and a
2	into the production superintendent role?	2	half that led to you no longer reporting to her?
3	A. Operations manager.	3	A. Her work visa ran out. She had to
4	Q. Did you report to anyone else other	4	accept another role in her home country.
5	than Larsen during the time that you were	5	Q. Which is what?
6	production superintendent?	6	A. Canada.
7	A. Yes.	7	Q. So she left?
8	Q. Who else?	8	A. Yes.
9	A. Steve Craig.	9	Q. Did she leave Shell altogether?
10	Q. Did you report to both of them at the	10	A. No.
11	same time?	11	Q. To your knowledge, is she still
12	A. For a short period.	12	employed with Shell?
13	Q. When?	13	A. Yes.
14	A. The end of 2017. The last two months	14	Q. Other than Robin Grouette, have you
15	probably.	15	ever reported to another woman during the entire
16	 Q. So right around the time that you were 	16	time that you've been employed at Shell?
17	promoted into that position?	17	A. No.
18	A. Correct.	18	Q. Was Robin Grouette, as operations
19	 Q. And then what happened after a couple 	19	manager, the highest level female that you've
20	months?	20	known during your entire employment at Shell?
21	A. Greg Larsen retired.	21	A. No.
22	Q. After that, did you report directly to	22	Q. What woman have you known to be in a
23	Craig?	23	higher level position than Robin Grouette as
24	A. Steve Craig, yes.	24	operations manager?
	Page 50		Page 52
1		1	
1 2	Q. Anyone else other than Steve Craig?A. No.	1 2	MR. TUCKER: Objection, because that's confusing. Are you asking what woman has
3	Q. Do you still report to him?	3	been an operations manager or since he's been
4	A. Yes.	4	operations manager?
5	Q. And you've reported to him	5	MS. GURMANKIN: No.
6	consistently since Larsen retired?	6	BY MS. GURMANKIN:
7	A. Yes.	7	Q. Do you understand the question?
8	Q. And Steve Craig's position?	8	A. I don't.
9	A. Operations manager.	9	Q. Have you known any other female who's
10	Q. During your employment at Shell, have	10	been in a higher level position than the
11	you ever reported to a woman?	11	operations manager position that Robin Grouette
12	A. Yes.	12	held?
13	Q. Who?	13	MR. TUCKER: Objection.
14	A. Robin Grouette.	14	You may answer.
15	Q. When was that?	15	THE WITNESS: I don't what does
16	A. When I was the process improvement	16	"know" mean? I don't understand what you
17	lead.	17	mean "known."
18	Q. What was Robin's position?	18	BY MS. GURMANKIN:
19	A. Operations manager.	19	Q. You don't know what that word means?
20	Q. How long did you report to her?	20	A. Well, I know what it means, but I
21	A. Approximately a year and a half.	21	don't know the to it in the context of the
22	Q. So that wasn't the entire time that	22	question.
23	you were process improvement lead?	23	Q. Are you aware of any female at Shell
24	A. No.	24	who's been in a position higher than the

	Page 53		Page 55
1	operations manager position that Robin Grouette	1	Q. Written warning?
2	held?	2	A. No.
3	A. Yes.	3	Q. Placed on a performance improvement
4	Q. Who?	4	plan?
5	A. Tonya Williams.	5	A. No.
6	Q. What position was she in?	6	Q. Ever been suspended?
7	A. VP.	7	A. No.
8	Q. Of what?	8	Q. Ever been told or threatened with
9	A. Appalachia.	9	termination?
10	Q. When was she VP of Appalachia?	10	A. No.
11	A. The middle of 2018, approximately.	11	Q. During your employment with Shell,
12	Q. Is she still VP of Appalachia to your	12	have you had training on the anti-discrimination,
13	knowledge?	13	anti-harassment laws?
14	A. Yes.	14	A. Yes.
15	Q. Anyone else?	15	
16	A. Gretchen Watkins.	16	(Whereupon, Exhibit 1 was marked for
17	Q. What's her position?	17	identification by Ms. Gurmankin.)
18	A. She's the country chair for	18	
19	unconventionals.	19	BY MS. GURMANKIN:
20	Q. To your knowledge, when was she	20	Q. All right. On the screen in front of
21	country chair of unconventionals?	21	you you're being shown what's been marked as
22	A. Just about a year ago.	22	Barnes Exhibit 1, which is Bates stamped Shell 883
23	Q. 2018?	23	through 892. If you look at the second page. You
24	A. Yeah.	24	should be able to scroll down to get to the second
	Page 54		Page 56
1	Q. Anyone else?	1	page.
2	A. No.	2	A. (The witness complies.)
3	Q. Do you consider yourself to be a coach	3	Q. All right. Do you see your name at
4	or a mentor to the staff?	4	the top?
5	A. Yes.	5	A. Yes.
6	Q. To your knowledge, has there ever been	6	Q. Do you recall taking Ethics Training,
7	a complaint made about you during your entire	7	Code of Conduct Refresher in 2017?
8	employment at Shell?	8	A. Yes.
9	MR. TUCKER: Go ahead.	9	Q. And if you go to page four.
10	THE WITNESS: No. Other than this,	10	A. Yes.
11	no.	11	Q. And that's your signature on the
12	BY MS. GURMANKIN:	12	second page that we looked at, right, next to your
13	Q. Other than complaints that Jesse	13	typed name?
14	Barnes has made?	14	A. Yes.
15	A. Correct.	15	Q. If you go to page four.
16	Q. No other complaints about you that	16	A. (The witness complies.)
17	you're aware of?	17	Q. You see your name typed second from
18	A. No.	18	the bottom?
19	Q. Have you ever been subjected to	19	A. Yes.
20	disciplinary actions during your entire employment	20	Q. And that's your signature next to
21	at Shell?	21	that?
22	A. No.	22	A. Yup.
23	Q. Ever gotten a verbal warning?	23	Q. And the date of 2/9/17, do you see
24	A. No.	24	that?

	Page 57		Page 59
1	A. Yes.	1	Training, Code of Conduct Refresher that you took
2	Q. Is that in your handwriting as well?	2	around February 2017?
3	A. Yes.	3	A. I don't recall the specific line
4	Q. And that was the Ethics Training, Code	4	items.
5	of Conduct Refresher?	5	Q. Does seeing these topics on page one
6	A. Yup.	6	refresh your recollection as to whether those were
7	Q. And you took that training in 2017?	7	included in the training that you took in 2017?
8	A. I did.	8	A. Page one is Exhibit 002, correct?
9	MR. TUCKER: Counsel, will these be	9	Q. Page one of Exhibit 2, right.
10	physically attached to the deposition?	10	A. Most of those topics are things that
11	MS. GURMANKIN: They'll be emailed to	11	are covered in code of conduct training.
12	you at the end.	12	Q. Do you recall if they were covered in
13	MR. TUCKER: Okay. But I think for	13	the Code of Conduct Refresher, Ethics Training
14	purposes of him read/sign, I'd still like	14	that you took in 2017?
15	them physically attached to the deposition.	15	A. I don't recall each one in detail.
16	MS. GURMANKIN: The court reporter	16	BY MS. GURMANKIN:
17	will get them as well, so you can attach	17	Q. I'm sorry?
18	them. She can attach them.	18	MR. TUCKER: He said, "I don't recall
19	Thank you, Nancy.	19	each one in detail."
20	MR. TUCKER: I'm coughing so much, I'm	20	BY MS. GURMANKIN:
21	trying to keep the microphone away from me.	21	Q. Go to page 3, please.
22	BY MS. GURMANKIN:	22	A. (The witness complies.)
23	Q. In 2017, did you take any other	23	Q. Did you take this training in 2017?
24	training other than ethics training on the code of	24	A. Are these documents part of the first
24	training other than ethics training on the code of		A. Are these documents part of the hist
	Page 58		Page 60
1	conduct refresher?	1	document where the signatures are?
2	A. Not that I remember.	2	Q. No.
3		3	A. I don't recall this one specifically.
4	(Whereupon, Exhibit 2 was marked for	4	Q. How about page four?
5	identification by Ms. Gurmankin.)	5	A. I do recall page four.
6		6	Q. You recall taking training on these
7	BY MS. GURMANKIN:	7	topics that are listed?
8	Q. You're being shown what's been	8	•
			 A. Yeah, I remember some of those topics.
9	being marked as Exhibit 2. Bates stamped Shell 802	9	A. Yeah, I remember some of those topics.Q. And it says that this took place on
	being marked as Exhibit 2, Bates stamped Shell 802 through 806.		Q. And it says that this took place on
9	through 806.	9	Q. And it says that this took place on July 27th. Do you recall taking training on at
9 10	through 806. So if you look at the first page it	9 10	Q. And it says that this took place on
9 10 11	through 806.	9 10 11	Q. And it says that this took place on July 27th. Do you recall taking training on at least some of these topics around that time in 2017?
9 10 11 12 13	through 806. So if you look at the first page it says, "Training session for supervisors on the Shell Code of Conduct."	9 10 11 12	Q. And it says that this took place on July 27th. Do you recall taking training on at least some of these topics around that time in 2017? A. Yeah.
9 10 11 12 13 14	through 806. So if you look at the first page it says, "Training session for supervisors on the Shell Code of Conduct." Do you see that?	9 10 11 12 13 14	Q. And it says that this took place on July 27th. Do you recall taking training on at least some of these topics around that time in 2017? A. Yeah. Q. How about the training on page five,
9 10 11 12 13	through 806. So if you look at the first page it says, "Training session for supervisors on the Shell Code of Conduct." Do you see that? A. Yes.	9 10 11 12 13 14 15	Q. And it says that this took place on July 27th. Do you recall taking training on at least some of these topics around that time in 2017? A. Yeah. Q. How about the training on page five, did you take that in 2017?
9 10 11 12 13 14 15	through 806. So if you look at the first page it says, "Training session for supervisors on the Shell Code of Conduct." Do you see that? A. Yes. Q. Did you take that in 2017?	9 10 11 12 13 14 15 16	Q. And it says that this took place on July 27th. Do you recall taking training on at least some of these topics around that time in 2017? A. Yeah. Q. How about the training on page five, did you take that in 2017? A. Yeah. I recall some of those.
9 10 11 12 13 14 15	through 806. So if you look at the first page it says, "Training session for supervisors on the Shell Code of Conduct." Do you see that? A. Yes. Q. Did you take that in 2017? A. I don't recall this one.	9 10 11 12 13 14 15 16 17	Q. And it says that this took place on July 27th. Do you recall taking training on at least some of these topics around that time in 2017? A. Yeah. Q. How about the training on page five, did you take that in 2017? A. Yeah. I recall some of those. Q. Prior to 2017 and during your entire
9 10 11 12 13 14 15 16 17	through 806. So if you look at the first page it says, "Training session for supervisors on the Shell Code of Conduct." Do you see that? A. Yes. Q. Did you take that in 2017? A. I don't recall this one. Q. Do you recall the topics that are	9 10 11 12 13 14 15 16 17	Q. And it says that this took place on July 27th. Do you recall taking training on at least some of these topics around that time in 2017? A. Yeah. Q. How about the training on page five, did you take that in 2017? A. Yeah. I recall some of those. Q. Prior to 2017 and during your entire employment at Shell, did you ever have any
9 10 11 12 13 14 15 16 17 18	through 806. So if you look at the first page it says, "Training session for supervisors on the Shell Code of Conduct." Do you see that? A. Yes. Q. Did you take that in 2017? A. I don't recall this one. Q. Do you recall the topics that are listed being covered in the training that you took	9 10 11 12 13 14 15 16 17 18	Q. And it says that this took place on July 27th. Do you recall taking training on at least some of these topics around that time in 2017? A. Yeah. Q. How about the training on page five, did you take that in 2017? A. Yeah. I recall some of those. Q. Prior to 2017 and during your entire employment at Shell, did you ever have any training on any of those topics listed in Exhibit
9 10 11 12 13 14 15 16 17 18 19 20	through 806. So if you look at the first page it says, "Training session for supervisors on the Shell Code of Conduct." Do you see that? A. Yes. Q. Did you take that in 2017? A. I don't recall this one. Q. Do you recall the topics that are listed being covered in the training that you took on the Code of Conduct Refresher, Ethics Training?	9 10 11 12 13 14 15 16 17 18 19 20	Q. And it says that this took place on July 27th. Do you recall taking training on at least some of these topics around that time in 2017? A. Yeah. Q. How about the training on page five, did you take that in 2017? A. Yeah. I recall some of those. Q. Prior to 2017 and during your entire employment at Shell, did you ever have any training on any of those topics listed in Exhibit 2 that we just looked at?
9 10 11 12 13 14 15 16 17 18 19 20 21	through 806. So if you look at the first page it says, "Training session for supervisors on the Shell Code of Conduct." Do you see that? A. Yes. Q. Did you take that in 2017? A. I don't recall this one. Q. Do you recall the topics that are listed being covered in the training that you took on the Code of Conduct Refresher, Ethics Training? A. Could you just repeat that question?	9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And it says that this took place on July 27th. Do you recall taking training on at least some of these topics around that time in 2017? A. Yeah. Q. How about the training on page five, did you take that in 2017? A. Yeah. I recall some of those. Q. Prior to 2017 and during your entire employment at Shell, did you ever have any training on any of those topics listed in Exhibit 2 that we just looked at? A. Yes.
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Page 61 Page 63 1 the topics that we just looked at? 1 conduct? 2 A. I don't --2 Yes. A. 3 MR. TUCKER: Objection, asked and 3 When is the first time during your 4 4 employment at Shell that you had employees answered. 5 5 You may answer it further. reporting directly to you? 6 THE WITNESS: I don't recall specific 6 A. When I became a field supervisor in 7 days. I just recall going through training. 7 2012. 8 BY MS. GURMANKIN: 8 Q. Since then, have you had employees 9 9 reporting directly to you? Q. That would have been sometime between 10 2008 and 2010? 10 Α. Yes. 11 11 Q. And since then you've also had Α. Yes. 12 employees who are an indirect report to you? 12 Q. And do you recall what topics you had 13 during that training in Texas at some point 13 A. 14 between 2008 and 2010? 14 Q. If you can go to page 16 of this code 15 of conduct, Exhibit 3, the page at the bottom is 15 A. No. 603 in the bottom right-hand corner. 16 Q. 16 That was one training session? It would have been a few different 17 MR. TUCKER: Give us a moment. 17 MS. GURMANKIN: Uh-huh. 18 18 occasions depending on topics. 19 Q. Between 2008 and 2010? 19 BY MS. GURMANKIN: 20 20 Α. Yeah. Q. Let me know when you're there. 21 Other than training sessions between A. Page 16? 21 Q. Yup. It says Harassment at the top. 2008 and 2010 and the training that you took in 22 Q. 22 2017, any other training that you had at Shell on Yeah, I'm there. 23 A. 23 Okay. This says, "Shell will not 24 Q. 24 the topics that we looked at that are listed in Page 62 Page 64 1 Exhibit 2? 1 tolerate harassment. We will not tolerate any 2 2 action, conduct or behavior which is humiliating, Α. No. 3 3 intimidating or hostile. Treat others with 4 (Whereupon, Exhibit 3 was marked for 4 respect and avoid situations that may be perceived 5 5 identification by Ms. Gurmankin.) as inappropriate." 6 6 I read that correctly? 7 BY MS. GURMANKIN: 7 A. Yes. 8 You're being shown what's been marked 8 And the section right next to that as Exhibit 3, Shell 588 through 631. 9 9 that says "Your Responsibilities," you understood The code of conduct refresher that you 10 that those were your responsibilities as an 10 11 took in 2017, am I correct it was a refresher 11 employee and supervisor at Shell, right? 12 12 because you had seen the code of conduct MR. TUCKER: Can he read them, please? 13 previously? 13 MS. GURMANKIN: Sure. 14 A. 14 THE WITNESS: Yes. You were familiar with the policies in 15 BY MS. GURMANKIN: 15 Q. it? All right. And they say, "You must 16 16 17 17 treat others with respect at all times. You must A. Yes. 18 And it was part of your job as an 18 not physically or verbally intimidate or humiliate employee at Shell to make sure that you adhered to 19 19 others. You must not make inappropriate jokes or 20 the policies in the code of conduct? 20 comments. You must not display offensive or 21 disrespectful material. Challenge someone if you 21 A. Yes. 2.2 And it was part of your job when you 22 find their behavior hostile, intimidating, Q. 23 23 were a supervisor to make sure that employees humiliating, or disrespectful. You may always adhered to the policies listed in the code of 24 contact your line manager, the Shell Ethics and 24

	Page 65		Page 67
1	Compliance Office, human resources, Shell legal or	1	A. Yes.
2	the Compliance [sic} Helpline."	2	
3	Did I read that correctly?	3	(Whereupon, <mark>Exhibit 4</mark> was marked for
4	A. Yes.	4	identification by Ms. Gurmankin.)
5	 Q. Can you go two pages down from that. 	5	
6	It says Equal Opportunity at the top.	6	BY MS. GURMANKIN:
7	MR. TUCKER: Page 18, Counsel?	7	Q. You're being shown what's been marked
8	MS. GURMANKIN: Uh-huh.	8	as Exhibit 4, Bates stamped Shell 1056 through
9	BY MS. GURMANKIN:	9	1057.
10	Q. Are you there?	10	Have you seen that Shell
11	A. Yeah.	11	Anti-Harassment Policy and Equal Opportunity
12	Q. It says, "At Shell, we offer equal	12	Policy before?
13	opportunities to everyone. This helps us ensure	13	MR. TUCKER: Page two is the Equal
14	we always draw on the widest possible talent pool	14	Opportunity Policy she's referring to.
15	and attract the very best people. We rely on	15	THE WITNESS: Yes.
16	everyone at Shell to continue our record on equal	16	BY MS. GURMANKIN:
17	opportunity.	17	Q. When did you first see these policies?
18	"Sometimes people can breach equal	18	A. When I started working for Shell.
19	opportunity policies without even realizing it.	19	Q. In 2005?
20	For example, if they are unconsciously biased	20	A. Not this exact one, but yes.
21	towards recruiting people like themselves.	21	Q. Something substantively similar?
22	Therefore, you should always strive to be	22	A. (Witness nods head.)
23	objective and ensure your personal feelings,	23	Q. Yes?
24	prejudices and preferences are not influencing	24	A. Yes.
	Daga 66		Page 68
	Page 66		
1	your employment-related decisions. You also need	1	Q. And part of your role as an employee
2	to be aware of local legislation that may impact	2	of Shell was to make sure that you adhered to the
3	employment decisions."	3	anti-harassment and EEO policies, correct?
4	I read that correctly?	4	A. Correct.
5	A. Yeah.	5	Q. And part of your job as supervisor was
6	Q. And the responsibilities next to that,	6	to make sure that people under your supervision at
7	again you understood as an employee and supervisor		0
_		7	Shell adhered to these policies, correct?
8	at Shell, those were part of your	8	A. Correct.
9	at Shell, those were part of your responsibilities, correct?	8 9	Correct. Do you know why well, strike that.
9 10	at Shell, those were part of your responsibilities, correct? A. Yes.	8 9 10	A. Correct.Q. Do you know why well, strike that.Were you required to take the Ethics
9 10 11	at Shell, those were part of your responsibilities, correct? A. Yes. Q. First one says, "When making	8 9 10 11	A. Correct. Q. Do you know why well, strike that. Were you required to take the Ethics Training, Code of Conduct Refresher that you took
9 10 11 12	at Shell, those were part of your responsibilities, correct? A. Yes. Q. First one says, "When making employment decisions, including hiring,	8 9 10 11 12	A. Correct. Q. Do you know why well, strike that. Were you required to take the Ethics Training, Code of Conduct Refresher that you took in 2017?
9 10 11 12 13	at Shell, those were part of your responsibilities, correct? A. Yes. Q. First one says, "When making employment decisions, including hiring, evaluation, promotion, training, development,	8 9 10 11 12 13	A. Correct. Q. Do you know why well, strike that. Were you required to take the Ethics Training, Code of Conduct Refresher that you took in 2017? MR. TUCKER: Objection.
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	Dago 60		Page 71
_	Page 69		Page 71
1	relationship to you?	1	A. No.
2	A. Yes.	2	Q. Was that a promotion for him?
3	Q. When?	3	A. Yes.
4	A. When I started the production	4	Q. How so?
5	superintendent role.	5	A. A job grade promotion. Q. So that would have been an increase in
6 7	Q. So around 2015? A. No.	6 7	compensation?
8	Q. When?	8	A. Yes.
9	A. The superintendent role was two	9	Q. And an increase in responsibilities?
10	thousand end of 2017, beginning of 2018.	10	A. Yes.
11	Q. And what was his reporting	11	Q. Do you know if he was interviewed?
12	relationship to you at that point?	12	A. I don't know.
13	A. He was maintenance supervisor.	13	Q. Did anyone ask you what your opinion
14	Q. Did he report directly to you?	14	was about whether or not he should get that
15	A. Yes.	15	promotion?
16	Q. Okay. Does he still report directly	16	A. No.
17	to you?	17	Q. Did you talk to anyone at Shell about
18	A. No.	18	what your thoughts were about him getting that
19	Q. When did that change?	19	promotion?
20	A. The end of 2018.	20	A. No.
21	Q. Why?	21	Q. Were you supportive of it?
22	A. He took another job.	22	A. Yes.
23	Q. As what?	23	Q. Why?
24	A. As a maintenance supervisor.	24	A. It got him closer to home.
	7.1 7.6 a maintenance eapervieen		7. Rigot mini diosci to nome.
	Page 70		Daga 72
	3		Page 72
1	Q. How did that come about?	1	Q. Any other reason?
1 2	Q. How did that come about?A. A job was posted.	1 2	Q. Any other reason?A. It's always it's always good for
	Q. How did that come about?A. A job was posted.Q. He applied?		Q. Any other reason?A. It's always it's always good for people to have different opportunities, new
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2	Q. How did that come about?A. A job was posted.Q. He applied?A. Yes.Q. When he reported to you directly from	2 3	Q. Any other reason?A. It's always it's always good for people to have different opportunities, new challenges anybody can get.Q. Any other reason?
2 3 4 5 6	 Q. How did that come about? A. A job was posted. Q. He applied? A. Yes. Q. When he reported to you directly from the end of 2017 through the end of 2018, where was 	2 3 4 5 6	 Q. Any other reason? A. It's always it's always good for people to have different opportunities, new challenges anybody can get. Q. Any other reason? A. No. That's pretty much different
2 3 4 5	 Q. How did that come about? A. A job was posted. Q. He applied? A. Yes. Q. When he reported to you directly from the end of 2017 through the end of 2018, where was he located? Where did he work out of? 	2 3 4 5	 Q. Any other reason? A. It's always it's always good for people to have different opportunities, new challenges anybody can get. Q. Any other reason? A. No. That's pretty much different opportunities and challenges.
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2 3 4 5 6 7 8	 Q. How did that come about? A. A job was posted. Q. He applied? A. Yes. Q. When he reported to you directly from the end of 2017 through the end of 2018, where was he located? Where did he work out of? A. Wellsboro. Q. The maintenance supervisor position 	2 3 4 5 6 7 8	 Q. Any other reason? A. It's always it's always good for people to have different opportunities, new challenges anybody can get. Q. Any other reason? A. No. That's pretty much different opportunities and challenges. Q. He ended up getting that promotion, correct?
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	Page 73		Page 75
1	A. Correct.	1	MS. GURMANKIN: No, he hasn't.
2	Q. I mean, at some point he told you that	2	MR. TUCKER: He's not going to answer
3	he got the promotion and he would be relocating,	3	it again.
4	right?	4	BY MS. GURMANKIN:
5	MR. TUCKER: Objection.	5	Q. Your understood that going to job
6	You may answer.	6	grade three was a promotion for him, correct?
7	THE WITNESS: He told me he got the	7	MR. TUCKER: Don't answer the
8	job and he would be relocating.	8	question.
9	BY MS. GURMANKIN:	9	MS. GURMANKIN: What's the basis for
10	Q. Which you understood	10	that instruction?
11	A. That he was the successful candidate.	11	MR. TUCKER: You can move on, Counsel,
12	Q. Which you understand to be a	12	he's not going to answer it again.
13	promotion?	13	MS. GURMANKIN: You're not stating the
14	MR. TUCKER: Objection.	14	basis?
15	You may answer.	15	MR. TUCKER: He's not going to answer
16	THE WITNESS: It was posted as a job	16	it again, Counsel.
17	grade three.	17	BY MS. GURMANKIN:
18	BY MS. GURMANKIN:	18	Q. And you're listening to your
19	Q. So, yes, you understood it was a	19	attorney's instruction?
20	promotion?	20	MR. TUCKER: Yes, he will.
21	MR. TUCKER: Objection, asked and	21	MS. GURMANKIN: I need him to answer
22	asked.	22	that question, Joe.
23	Don't answer it again. She'll ask you	23	THE WITNESS: Yes.
24	another question. Don't answer it again.	24	MS. GURMANKIN: All right.
	Page 74		Page 76
1	MS. GURMANKIN: I haven't asked that	1	MR. TUCKER: Let me see you outside
2	question.	2	for a second.
3	BY MS. GURMANKIN:	3	VIDEOGRAPHER: We're now going off the
4	Q. Was job grade three a promotion?	4	record. The time on the camera is 10:07 a.m.
5	MR. TUCKER: He said it was a grade	I -	
_	With FOORETS. The balla it was a grade	5	
6	change.	6	 (Whereupon, a recess was taken from
			 (Whereupon, a recess was taken from 10:067 a.m. until 10:09 a.m.)
6	change.	6	
6 7	change. BY MS. GURMANKIN:	6 7	10:067 a.m. until 10:09 a.m.)
6 7 8	change. BY MS. GURMANKIN: Q. Was it a promotion? Was going to job	6 7 8	10:067 a.m. until 10:09 a.m.)
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	Page 77		Page 79
1	Q. Did you think that Turney deserved	1	with another employee of Shell?
2	that promotion to maintenance supervisor in	2	A. No.
3	Midland, Texas?	3	Q. Have you ever commented on a woman's
4	MR. TUCKER: Objection.	4	physical appearance during your employment at
5	You may answer.	5	Shell?
6	THE WITNESS: Yes.	6	A. In what context?
7	BY MS. GURMANKIN:	7	Q. Any context.
8	Q. Why?	8	A. Yes.
9	A. He's a hard worker.	9	Q. In what context?
10	Q. Any other reason?	10	A. If they were dressed nice or had a
11	A. No.	11	different hairdo.
12	Q. Did you give him a reference?	12	Q. Who have you what females have you
13	 A. I don't recall giving him a reference. 	13	discussed were dressed nice or had a different
14	 Q. Prior to you becoming production 	14	hairdo during your employment at Shell?
15	superintendent, sometime around the end of 2017,	15	A. Names of females?
16	did Turney have any reporting relationship to you,	16	Q. Yup. Yup.
17	direct or indirect?	17	A. April.
18	A. No.	18	Q. April Heater?
19	Q. Did you work with him?	19	A. Yup.
20	A. Yes.	20	Q. Anyone else?
21	Q. When did you start working with him?	21	A. Penny Robins.
22	 A. Around that time frame that I was a 	22	Q. Anyone else?
23	process improvement lead.	23	A. No.
24	Q. Starting around 2015?	24	Q. What have you said about April
	D 70		D 00
	Page 78		Page 80
1	A. Yeah.	1	Heater's physical appearance?
2	Q. What capacity did you work with him?	2	A. Haircut change.
3	A. Depended on what my roles would have	3	Q. What did you say?
4	me work with him. Just depended on what was going	4	A. That she had shorter hair.
5	on.	5	Q. You said she had shorter hair?
6	Q. In what capacity would you work with	6	A. No, I said, "You cut your hair. It's
7	him?	7	shorter."
8	A. What's the definition of "capacity"?	8	Q. Anything else that you said?
9	Q. How would you work with him?	9	A. I asked her if she liked it.
10	A. Oh, when I had processes that I was	10	Q. What did she say?
11	improving to make the field better and his	11	A. It was too early to tell.
12	maintenance role, a lot of those processes	12	Q. Anything else that you said about
13	affected him and his guys, so I would be working	13	that?
14	with him to implement processes.	14	A. I said, "I like short hair," and
15	Q. Okay. During your employment at	15	pointed to my short hair.
16	Shell, did you ever use the term "bitch" or	16	Q. Did you say you like short hair on
17	"bitchy" to refer to a woman?	17	women or you just like short hair?
18	A. No.	18	A. Just like short hair.
19	Q. Never?	19	Q. Anything else about that conversation?
20	A. No.	20	A. No.
21	Q. Did you ever hear anyone else at Shell	21	Q. Any other occasions on which you
22	refer to a female as bitch or bitchy?	22	commented on April Heater's physical appearance?
23	A. No.	23	A. No.
24	Q. Have you ever been to a strip club	24	Q. How about Penny Robins, what did you

	Page 81		Page 83
1	say about her physical appearance?	1	Q. It happened multiple times?
2	A. She changed her hair color one time.	2	A. No.
3	Q. From what to what?	3	Q. Just happened once?
4	A. Just redid the same color. So from	4	A. So I mean, when you ask a question
5	faded to fresh.	5	like that, it's hard to say one time or one
6	Q. What color?	6	conversation when somebody says something that
7	A. Red.	7	leads to me thinking somebody's pretty or nice.
8	Q. And what did you say to her?	8	So you can say she looks nice today, but that has
9	A. Just recognized that it was red.	9	nothing to do with anything. That's a standard
10	Q. What did you say?	10	conversation.
11	A. I said, "You changed your hair, got it	11	
12	red." She said, "Yes."	12	•
			MR. TUCKER: Can we take our first
13	Q. Anything else about that conversation?A. No.	13	bathroom break.
14		14	MS. GURMANKIN: Let me just finish
15	Q. Any other occasions on which you've	15	this one.
16	commented on a female's physical appearance during	16	MR. TUCKER: No. Stop. Don't answer
17	your employment at Shell?	17	questions. Take your microphone off and come
18	A. Not that I recall.	18	on outside. Take a break.
19	Q. Have you ever heard anyone at Shell	19	VIDEOGRAPHER: This concludes file
20	refer to a female's physical appearance during	20	number one in the videotaped deposition of
21	your employment?	21	Hondo Blakley in the case Barnes v. Shell, et
22	A. Nah, not that I recall.	22	al.
23	Q. Have you ever heard a male employee at	23	We are going off the record at 10:16
24	Shell refer to a female employee's breasts?	24	a.m.
	Page 82		Page 84
1	A. No.	1	
2	Q. Have you ever done that during your	2	(Whereupon, a recess was taken from
3	employment at Shell?	3	10:16 a.m. until 10:23 a.m.)
4	A. No.	4	
5	Q. Have you ever heard a male employee at	5	VIDEOGRAPHER: This will begin file
6	Shell say that a female employee employee or	6	number two in the videotaped deposition of
7	contractor was pretty or attractive even if they	7	Hondo Blakley in the matter of Jesse Barnes
8	didn't use those exact words?	8	v. Shell, et al.
9	MR. TUCKER: Objection.	9	We are going on the record at 10:23
10	BY MS. GURMANKIN:	10	a.m.
11	Q. You can answer.	11	BY MS. GURMANKIN:
12	A. Could you repeat the question?	12	Q. Do you recall if it was once or more
13	Q. Sure.	13	than once that you heard a male employee at Shell
14	Have you ever heard a male employee at	14	use words that would describe a female employee or
15	Shell say that a female employee or contractor was	15	contractor as nice looking or pretty or
16	pretty or attractive even if they did not use	16	attractive?
17	those exact words?	17	MR. TUCKER: Objection, asked and
18	A. What words would they have used?	18	answered.
19	Q. Words indicating that the female	19	You may answer again.
20	employee or contractor was pretty or attractive.	20	THE WITNESS: I don't recall.
21	A. Yes.	21	BY MS. GURMANKIN:
22	Q. Who have you heard say that?	22	Q. Who were the male employees that you
23	A. I don't really recollect any one	23	heard use words that would describe a female
24	specific time.	24	employee or contractor as attractive or nice

	Page 85		Page 87
1	looking?	1	A. The Shell office.
2	A. I don't recall.	2	Q. Where?
3	Q. Have you ever described a female	3	A. In the hallway.
4	employee or contractor at Shell as pretty or	4	Q. At Wellsboro?
5	attractive or nice looking even if you didn't use	5	A. (Witness nods head.)
6	those exact words?	6	Q. Yes?
7	A. No.	7	A. Yes.
8	Q. Have you ever touched a female	8	Q. Do you know why she hugged you?
9	employee at Shell?	9	A. Yes.
10	MR. TUCKER: Objection.	10	Q. Why?
11	THE WITNESS: Yes.	11	A. Because my 18-year-old sister was
12	BY MS. GURMANKIN:	12	killed in a car accident.
13	Q. Who?	13	Q. I'm very sorry to hear that.
14	A. Jen.	14	Any other occasion in which she hugged
15	Q. I'm sorry?	15	you or you hugged her?
16	A. Jen.	16	A. No.
17	Q. Jen who?	17	Q. Any other times or any other
18	A. Card.	18	circumstances in which you touched Jen Card?
19	Q. Anyone else?	19	A. No.
20	A. Yeah. Penny Robins.	20	Q. How about Penny Robins, when did you
21	Q. Anyone else?	21	touch her?
22	A. No.	22	A. Just before she stopped working for
23	Q. When did you touch Jen Card?	23	Shell.
24	A. When did I touch Jen Card?	24	
	A. When did I todon den dala:	24	Q. Do you recall when that was?
	Page 86		Page 88
1	Q. That's the question.	1	A. Twenty sometime in 2018.
2	 I don't recollect any specific time. 	2	Q. How did you touch her?
3	Q. Did it happen multiple times?	3	A. A handshake.
4	A. No.	4	 Q. Was that in the context of her
5	Q. Just once?	5	leaving?
6	A. Yes. Well, maybe two or three times,	6	A. Yes.
7	but not multiple.	7	Q. Were you saying good-bye?
8	Q. And how did you touch her?	8	A. Yes.
9	A. Handshake.	9	Q. Any other female employees that you
10	Q. Anything else?	10	touched at Shell?
11	A. I got a hug once.	11	A. No.
12	Q. She gave you a hug?	12	Q. Have you ever seen any other male
13	A. Uh-huh.	13	employees at Shell touch a female employee or
14	Q. Yes?	14	contractor?
15	A. Yes.	15	A. Yes.
16	Q. Do you recall when that was?	16	Q. Who? Which male employees?
17	A. July of last year.	17	A. Steve Craig.
18	Q. July of 2018?	18	Q. Anyone else?
19	A. Yes.	19	A. Greg Larsen.
20	Q. Did you hug her back?	20	Q. Anyone else?
21	A. I did.	21	A. Will Turney.
21		22	Q. Anyone else?
22	Q. Where did that happen?		Q. Anyone else:
	Q. Where did that happen?A. Where?	23	A. So do I name off if there's 150
22	• •		

		Page 89			Page 91
1	Q.	Yup.	1	A.	Handshake.
2	A.	Probably Ricky Dake.	2	Q.	Any other ways?
3	Q.	Ricky what?	3	A.	No.
4	A.	Dake.	4	Q.	Wayne Fletcher, which female employees
5	Q.	Anyone else?	5	did you	see him touch?
6	A.	Wayne Fletcher.	6	Á.	Tonya Williams.
7	Q.	Anyone else?	7	Q.	Any others?
8	A.	No. That's probably about it.	8	A.	No.
9	Q.	Which female employees or contractors	9	Q.	How did you see him touch Tonya
10	did Ste	eve Craig touch that you saw?	10	William	
11	A.	Tonya Williams.	11	A.	Handshake.
12	Q.	How did he touch her?	12	Q.	Any other ways?
13	A.	Handshake.	13	Α.	No.
14	Q.	Any other ways in which you saw him	14	Q.	Any other male employees that you saw
15	touch l		15		female employees or contractors?
16	A.	No.	16	Α.	Not that I recall.
17	Q.	Any other female employees or	17	Q.	Who is Tonya Williams?
18		ctors that you saw Steve Craig touch?	18	A.	The VP of Appalachia.
19	A.	No.	19	Q.	She's the one that became VP last
20	Q.	Greg Larsen, which female employees	20	year?	
21	did he	touch or contractors?	21	Α.	Correct.
22	A.	Jen Card.	22	Q.	Did Tonya Williams ever have a
23	Q.	Any others?	23	reporti	ng relationship to you?
24	A.	No.	24	Α.	Indirect.
		Dama 00			
		Page 90			Page 92
1	Q.	How did you see Larsen touch Jen Card?	1	Q.	When was that?
1 2	A.	How did you see Larsen touch Jen Card? Handshake.	2	A.	When was that? Could you repeat that?
	A. Q.	How did you see Larsen touch Jen Card?		A. Q.	When was that? Could you repeat that? When?
2 3 4	A. Q. A.	How did you see Larsen touch Jen Card? Handshake. Any other ways? No.	2 3 4	A. Q. A.	When was that? Could you repeat that? When? Starting when she become the VP of
2 3 4 5	A. Q. A. Q.	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or	2 3 4 5	A. Q. A. Appala	When was that? Could you repeat that? When? Starting when she become the VP of achia.
2 3 4 5 6	A. Q. A. Q. contrac	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or ctors did you see him touch?	2 3 4 5 6	A. Q. A. Appala Q.	When was that? Could you repeat that? When? Starting when she become the VP of achia. She reported to you?
2 3 4 5	A. Q. A. Q. contrac A.	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or extors did you see him touch? April.	2 3 4 5	A. Q. A. Appala Q. A.	When was that? Could you repeat that? When? Starting when she become the VP of achia. She reported to you? No. I report to her.
2 3 4 5 6 7 8	A. Q. A. Q. contrac A. Q.	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or ctors did you see him touch? April. Heater?	2 3 4 5 6 7 8	A. Q. A. Appala Q. A. Q.	When was that? Could you repeat that? When? Starting when she become the VP of achia. She reported to you? No. I report to her. Okay. Did she ever have a reporting
2 3 4 5 6 7 8 9	A. Q. A. Q. contrac A. Q.	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or extors did you see him touch? April. Heater? Yeah.	2 3 4 5 6 7 8	A. Q. A. Appala Q. A. Q. relatio	When was that? Could you repeat that? When? Starting when she become the VP of achia. She reported to you? No. I report to her. Okay. Did she ever have a reporting inship to you?
2 3 4 5 6 7 8 9	A. Q. A. Q. contrac A. Q. A.	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or stors did you see him touch? April. Heater? Yeah. How did how did Turney touch April	2 3 4 5 6 7 8 9	A. Q. A. Appala Q. A. Q. relatio	When was that? Could you repeat that? When? Starting when she become the VP of achia. She reported to you? No. I report to her. Okay. Did she ever have a reporting inship to you? No.
2 3 4 5 6 7 8 9 10	A. Q. A. Q. contrac A. Q. A. Q.	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or extors did you see him touch? April. Heater? Yeah. How did how did Turney touch April that you saw?	2 3 4 5 6 7 8 9 10 11	A. Q. A. Appala Q. A. Q. relatio A. Q.	When was that? Could you repeat that? When? Starting when she become the VP of achia. She reported to you? No. I report to her. Okay. Did she ever have a reporting inship to you? No. To your knowledge, did Tonya Williams
2 3 4 5 6 7 8 9 10 11	A. Q. A. Q. contrac A. Q. A. Q. Heater A.	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or extors did you see him touch? April. Heater? Yeah. How did how did Turney touch April that you saw? Handshake as well.	2 3 4 5 6 7 8 9 10 11 12	A. Q. A. Appala Q. A. Q. relatio A. Q. ever c	When was that? Could you repeat that? When? Starting when she become the VP of achia. She reported to you? No. I report to her. Okay. Did she ever have a reporting anship to you? No. To your knowledge, did Tonya Williams complain that she was being treated
2 3 4 5 6 7 8 9 10 11 12 13	A. Q. A. Q. contrac A. Q. A. Q. Heater A. Q.	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or extors did you see him touch? April. Heater? Yeah. How did how did Turney touch April that you saw? Handshake as well. Any other ways in which you saw Turney	2 3 4 5 6 7 8 9 10 11 12 13	A. Q. A. Appala Q. A. Q. relatio A. Q. ever c differe	When was that? Could you repeat that? When? Starting when she become the VP of achia. She reported to you? No. I report to her. Okay. Did she ever have a reporting inship to you? No. To your knowledge, did Tonya Williams complain that she was being treated ently because she's a black woman?
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Q. A. Q. contrac A. Q. A. Q. Heater A. Q. touch A	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or ctors did you see him touch? April. Heater? Yeah. How did how did Turney touch April that you saw? Handshake as well. Any other ways in which you saw Turney April Heater?	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Q. A. Appala Q. A. Q. relatio A. Q. ever c differe A.	When was that? Could you repeat that? When? Starting when she become the VP of achia. She reported to you? No. I report to her. Okay. Did she ever have a reporting inship to you? No. To your knowledge, did Tonya Williams complain that she was being treated ently because she's a black woman? No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Q. A. Q. Contract A. Q. Heater A. Q. touch A.	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or stors did you see him touch? April. Heater? Yeah. How did how did Turney touch April that you saw? Handshake as well. Any other ways in which you saw Turney April Heater? No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Q. A. Appala Q. A. Q. relatio A. Q. ever c differe A. Q.	When was that? Could you repeat that? When? Starting when she become the VP of achia. She reported to you? No. I report to her. Okay. Did she ever have a reporting anship to you? No. To your knowledge, did Tonya Williams complain that she was being treated antly because she's a black woman? No. Have you ever talked about sex at work
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A. Q. Contract A. Q. Heater A. Q. touch A. Q.	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or extors did you see him touch? April. Heater? Yeah. How did how did Turney touch April that you saw? Handshake as well. Any other ways in which you saw Turney April Heater? No. Any other female employees or	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Q. A. Appala Q. A. Q. relatio A. Q. ever c differe A. Q. during	When was that? Could you repeat that? When? Starting when she become the VP of achia. She reported to you? No. I report to her. Okay. Did she ever have a reporting aship to you? No. To your knowledge, did Tonya Williams complain that she was being treated antly because she's a black woman? No. Have you ever talked about sex at work a your employment at Shell?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q. A. Q. contrac A. Q. Heater A. Q. touch A. Q. contrac	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or extors did you see him touch? April. Heater? Yeah. How did how did Turney touch April that you saw? Handshake as well. Any other ways in which you saw Turney April Heater? No. Any other female employees or extors that you saw Turney touch?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Q. A. Appala Q. A. Q. relatio A. Q. ever c differe A. Q. during A.	When was that? Could you repeat that? When? Starting when she become the VP of achia. She reported to you? No. I report to her. Okay. Did she ever have a reporting aship to you? No. To your knowledge, did Tonya Williams complain that she was being treated antly because she's a black woman? No. Have you ever talked about sex at work a your employment at Shell? Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A. Q. contract A. Q. Heater A. Q. touch A. Q. contract A.	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or exters did you see him touch? April. Heater? Yeah. How did how did Turney touch April that you saw? Handshake as well. Any other ways in which you saw Turney April Heater? No. Any other female employees or exters that you saw Turney touch? No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A. Appala Q. A. Q. relatio A. Q. ever c differe A. Q. during A. Q.	When was that? Could you repeat that? When? Starting when she become the VP of achia. She reported to you? No. I report to her. Okay. Did she ever have a reporting anship to you? No. To your knowledge, did Tonya Williams complain that she was being treated ently because she's a black woman? No. Have you ever talked about sex at work your employment at Shell? Yes. To whom?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Q. A. Q. contract A. Q. Heater A. Q. touch A. Q. contract A. Q.	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or stors did you see him touch? April. Heater? Yeah. How did how did Turney touch April that you saw? Handshake as well. Any other ways in which you saw Turney April Heater? No. Any other female employees or stors that you saw Turney touch? No. Ricky Dake, which female employees or	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Q. A. Appala Q. A. Q. relatio A. Q. ever c differe A. Q. during A. Q.	When was that? Could you repeat that? When? Starting when she become the VP of achia. She reported to you? No. I report to her. Okay. Did she ever have a reporting aship to you? No. To your knowledge, did Tonya Williams complain that she was being treated antly because she's a black woman? No. Have you ever talked about sex at work your employment at Shell? Yes. To whom? Ricky Dake.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Q. Contract A. Q. Heater A. Q. touch A. Q. contract A. Q. contract A. Q. contract C. Q. contr	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or stors did you see him touch? April. Heater? Yeah. How did how did Turney touch April that you saw? Handshake as well. Any other ways in which you saw Turney April Heater? No. Any other female employees or stors that you saw Turney touch? No. Ricky Dake, which female employees or stors did you see him touch?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Q. A. Appala Q. A. Q. relatio A. Q. ever c differe A. Q. during A. Q. A.	When was that? Could you repeat that? When? Starting when she become the VP of achia. She reported to you? No. I report to her. Okay. Did she ever have a reporting inship to you? No. To your knowledge, did Tonya Williams complain that she was being treated ently because she's a black woman? No. Have you ever talked about sex at work a your employment at Shell? Yes. To whom? Ricky Dake. Anyone else?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Q. Contract A. Q. Heater A. Q. touch A. Q. contract A. Q. contract A. Q. A.	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or extors did you see him touch? April. Heater? Yeah. How did how did Turney touch April that you saw? Handshake as well. Any other ways in which you saw Turney April Heater? No. Any other female employees or extors that you saw Turney touch? No. Ricky Dake, which female employees or extors did you see him touch? Tonya.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Q. A. Appala Q. A. Q. relatio A. Q. ever c differe A. Q. during A. Q. A. A.	When was that? Could you repeat that? When? Starting when she become the VP of achia. She reported to you? No. I report to her. Okay. Did she ever have a reporting aship to you? No. To your knowledge, did Tonya Williams complain that she was being treated antly because she's a black woman? No. Have you ever talked about sex at work a your employment at Shell? Yes. To whom? Ricky Dake. Anyone else? Will Turney.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. Contract A. Q. Heater A. Q. touch A. Q. contract A. Q. Contr	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or extors did you see him touch? April. Heater? Yeah. How did how did Turney touch April that you saw? Handshake as well. Any other ways in which you saw Turney April Heater? No. Any other female employees or extors that you saw Turney touch? No. Ricky Dake, which female employees or extors did you see him touch? Tonya. Williams?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Appala Q. A. Q. relatio A. Q. ever c differe A. Q. during A. Q. A. Q. A. Q. A. Q.	When was that? Could you repeat that? When? Starting when she become the VP of achia. She reported to you? No. I report to her. Okay. Did she ever have a reporting aship to you? No. To your knowledge, did Tonya Williams complain that she was being treated antly because she's a black woman? No. Have you ever talked about sex at work a your employment at Shell? Yes. To whom? Ricky Dake. Anyone else? Will Turney. Anyone else?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. Contract A. Q. Heater A. Q. contract A. Q. A. A.	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or extors did you see him touch? April. Heater? Yeah. How did how did Turney touch April that you saw? Handshake as well. Any other ways in which you saw Turney April Heater? No. Any other female employees or extors that you saw Turney touch? No. Ricky Dake, which female employees or extors did you see him touch? Tonya. Williams? Williams.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Q. A. Appala Q. A. Q. relatio A. Q. ever c differe A. Q. during A. Q. A. Q. A. A. A.	When was that? Could you repeat that? When? Starting when she become the VP of achia. She reported to you? No. I report to her. Okay. Did she ever have a reporting aship to you? No. To your knowledge, did Tonya Williams complain that she was being treated ently because she's a black woman? No. Have you ever talked about sex at work a your employment at Shell? Yes. To whom? Ricky Dake. Anyone else? Will Turney. Anyone else? Mark Hoover.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. Contract A. Q. Heater A. Q. touch A. Q. contract A. Q. Contr	How did you see Larsen touch Jen Card? Handshake. Any other ways? No. Will Turney, which female employees or extors did you see him touch? April. Heater? Yeah. How did how did Turney touch April that you saw? Handshake as well. Any other ways in which you saw Turney April Heater? No. Any other female employees or extors that you saw Turney touch? No. Ricky Dake, which female employees or extors did you see him touch? Tonya. Williams?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Q. A. Appala Q. A. Q. relatio A. Q. ever c differe A. Q. during A. Q. A. Q. A. Q. A. Q.	When was that? Could you repeat that? When? Starting when she become the VP of achia. She reported to you? No. I report to her. Okay. Did she ever have a reporting aship to you? No. To your knowledge, did Tonya Williams complain that she was being treated antly because she's a black woman? No. Have you ever talked about sex at work a your employment at Shell? Yes. To whom? Ricky Dake. Anyone else? Will Turney. Anyone else?

ватнея V. Энен Ехріогаціон & Ріоцисціон Сотпрану Арраіастіа, ет аі.			HONDO BLAKLET, 0/10/13
	Page 93		Page 95
1	A. No.	1	just was a conversation about how difficult it is
2	Q. Were these separate conversations or	2	to keep young children from seeing stuff like
3	all together?	3	that.
4	 A. General conversation. 	4	 Q. Is there anything else that was said
5	Q. I mean separately or did you have it	5	during this conversation other than you talking
6	with the three of them together?	6	about how hard it was to keep your currently
7	A. It was together.	7	12-year-old son away from this stuff and Dake,
8	Q. One or more?	8	Turney, and Hoover agreeing with you?
9	A. One.	9	A. Not that I recall.
10	Q. When was that?	10	Q. That was a pretty short conversation?
11	 I don't recall the exact time. 	11	A. Yes.
12	Q. Do you recall the year?	12	MR. TUCKER: Objection.
13	A. Yup. I'd say probably 2017.	13	You may answer.
14	Q. Where were you?	14	BY MS. GURMANKIN:
15	A. In the hall.	15	Q. Yes?
16	Q. Where?	16	A. Yes.
17	A. Wellsboro.	17	Q. Less than five minutes?
18	Q. During the workday?	18	A. I don't recall.
19	A. Yes.	19	Q. How did the conversation start?
20	Q. Do you recall the time of day it was?	20	A. I initiated the conversation.
21	A. No.	21	Q. By saying what?
22	Q. What did you guys discuss?	22	A. I don't recall exactly.
23	 A. It was over stuff that was on TV. 	23	Q. Do you recall even if you don't
24	Q. What?	24	recall the exact words, what do you recall?
	Page 94		Page 96
1	 A. Like the sexual innuendos that's on 	1	A. It started over me saying I got home
2	television.	2	from work and my son was watching TV. I walked
3	Q. Were you talking about a particular TV	3	around the corner and it was a show that had young
4	show?	4	pregnant teenagers on it and it's disappointing.
5	 A. I was talking about Nickelodeon. 	5	And then it went from there.
6	 Q. You were talking about sexual 	6	Q. And those guys just separately said
7	innuendos that were on Nickelodeon?	7	that they agreed?
8	A. Yup.	8	A. Yeah.
9	Q. What?	9	MR. TUCKER: That's not what he said
10	A. Pregnant 16-year-old girls.	10	earlier. He said it was difficult to keep
11	Q. What are the sexual innuendos that you	11	your kids away from that. He said that's
12	were discussing?	12	what they agreed to. So you mischaracterized
13	 A. How difficult it was to keep my 	13	his testimony.
14	12-year-old well, he's 12 now, but at the time	14	BY MS. GURMANKIN:
15	he was younger away from stuff like that on	15	Q. And they all agreed?
16	television.	16	MR. TUCKER: Objection, asked and
17	Q. That's what you said?	17	answered, but you may answer it again.
	A. Yes.	18	THE WITNESS: They agreed that it was
18	0 140 4 15141 41 5 5 7		difficult to keep the young kids away from
19	Q. What did the others say, Dake, Turney,	19	· · · · · · · · · · · · · · · · · · ·
19 20	and Hoover?	20	that kind of stuff.
19 20 21	and Hoover? A. They agreed.	20 21	that kind of stuff. BY MS. GURMANKIN:
19 20 21 22	and Hoover? A. They agreed. Q. Anything else that was said?	20 21 22	that kind of stuff. BY MS. GURMANKIN: Q. And that was the entirety of the
19 20 21 22 23	and Hoover? A. They agreed. Q. Anything else that was said? A. No. It was a it's a children's	20 21 22 23	that kind of stuff. BY MS. GURMANKIN: Q. And that was the entirety of the conversation?
19 20 21 22	and Hoover? A. They agreed. Q. Anything else that was said?	20 21 22	that kind of stuff. BY MS. GURMANKIN: Q. And that was the entirety of the

<u> </u>	•			
		Page 97		Page 99
1	Q.	How did it end?	1	Q. What did Mark Hoover say about sex?
2	A.	We went back to work.	2	 I don't recall the exact conversation.
3	Q.	You all just dispersed after they all	3	Q. What do you recall about it?
4	agreed	I that it was difficult to keep your kids	4	A. Nothing.
5	away f	rom this?	5	Q. Just that it he talked about sex?
6	A.	Yeah. I think somebody got a phone	6	 A. Just pops up for a second and then
7	call, ac	tually.	7	disappears.
8	Q.	Who?	8	Q. Was it just the two of you?
9	A.	I don't recall who.	9	 I don't recall who all was there.
10	Q.	And then you all just walked away?	10	Q. Do you recall when it was?
11	A.	Yes.	11	A. No.
12	Q.	Was anyone else around in the hallway	12	Q. Do you recall the year?
13	when y	ou were having this conversation with Dake,	13	A. Yeah. Probably 2016, 2017.
14	Hoove	r, and Turney?	14	Q. Where were you when you had the
15	A.	Not that I recall.	15	conversation with him?
16	Q.	Was it in front of other employees'	16	A. Lunch.
17	desks	or work spaces?	17	Q. And you don't recall anything that he
18	A.	No.	18	said that was about sex?
19	Q.	You're married, correct?	19	MR. TUCKER: Objection, asked and
20	A.	Yes.	20	answered.
21	Q.	Have you ever talked about your	21	BY MS. GURMANKIN:
22	marria	ge to other Shell employees?	22	Q. Go ahead.
23	A.	Yes.	23	A. I don't.
24	Q.	Who?	24	Q. Where were you having lunch?
		Page 98		Page 100
1	A.	Steve Craig.	1	A. One of the local restaurants.
2	Q.	Anyone else?	2	Q. During the workday?
3	A.	Ricky Dake.	3	A. Yes.
4	Q.	Anyone else?	4	Q. Which restaurant?
5	A.	Wayne Fletcher.	5	A. I don't recall which one.
6	Q.	Anyone else?	6	Q. How is it that you recall it was
7	A.	Not that I recall.	7	during lunch?
8	Q.	Did you ever hear any male employees	8	A. It's when the conversation happened.
9	talking	about sex during your employment at Shell?	9	We typically don't talk about that kind of stuff
10	A.	To what context?	10	at work.
11	Q.	Any context.	11	Q. What kind of stuff?
12	A.	Yes.	12	A. Sex.
13	Q.	Who?	13	Q. How is it that you recall that
4	A.	Mark Hoover.	14	conversation was at lunch but you can't remember
14		A I O	15	anything that Hoover said about sex?
15	Q.	Anyone else?		
15 16	Q. A.	Some of the hourly guys.	16	MR. TUCKER: Objection.
15 16 17	Q. A. Q.	Some of the hourly guys. Who?	16 17	MR. TUCKER: Objection. You may answer to the extent you can.
15 16 17 18	Q. A. Q. A.	Some of the hourly guys. Who? Chris Citrino.	16 17 18	MR. TUCKER: Objection. You may answer to the extent you can. THE WITNESS: Just lucky, I guess.
15 16 17 18 19	Q. A. Q. A. Q.	Some of the hourly guys. Who? Chris Citrino. Anyone else?	16 17 18 19	MR. TUCKER: Objection. You may answer to the extent you can. THE WITNESS: Just lucky, I guess. BY MS. GURMANKIN:
15 16 17 18 19 20	Q. A. Q. A. Q. A.	Some of the hourly guys. Who? Chris Citrino. Anyone else? No.	16 17 18 19 20	MR. TUCKER: Objection. You may answer to the extent you can. THE WITNESS: Just lucky, I guess. BY MS. GURMANKIN: Q. How is it lucky that you can recall
15 16 17 18 19 20 21	Q. A. Q. A. Q. A.	Some of the hourly guys. Who? Chris Citrino. Anyone else? No. You said Chris Citrino, is it?	16 17 18 19 20 21	MR. TUCKER: Objection. You may answer to the extent you can. THE WITNESS: Just lucky, I guess. BY MS. GURMANKIN: Q. How is it lucky that you can recall that it was at lunch but you can't remember
15 16 17 18 19 20 21 22	Q. A. Q. A. Q. A.	Some of the hourly guys. Who? Chris Citrino. Anyone else? No. You said Chris Citrino, is it? Uh-huh.	16 17 18 19 20 21 22	MR. TUCKER: Objection. You may answer to the extent you can. THE WITNESS: Just lucky, I guess. BY MS. GURMANKIN: Q. How is it lucky that you can recall that it was at lunch but you can't remember anything that Hoover said about sex during that
15 16 17 18 19 20 21 22 23	Q. A. Q. A. Q. A. Q.	Some of the hourly guys. Who? Chris Citrino. Anyone else? No. You said Chris Citrino, is it? Uh-huh. Yes?	16 17 18 19 20 21 22 23	MR. TUCKER: Objection. You may answer to the extent you can. THE WITNESS: Just lucky, I guess. BY MS. GURMANKIN: Q. How is it lucky that you can recall that it was at lunch but you can't remember anything that Hoover said about sex during that conversation?
15 16 17 18 19 20 21 22	Q. A. Q. A. Q. A.	Some of the hourly guys. Who? Chris Citrino. Anyone else? No. You said Chris Citrino, is it? Uh-huh.	16 17 18 19 20 21 22	MR. TUCKER: Objection. You may answer to the extent you can. THE WITNESS: Just lucky, I guess. BY MS. GURMANKIN: Q. How is it lucky that you can recall that it was at lunch but you can't remember anything that Hoover said about sex during that

Dailles V.	. Shell Exploration & Production Company Apparachia, et al.		HONDO BLAKLET, 0/10/19
	Page 101		Page 103
1	You may answer.	1	Q. Did you say anything in response?
2	THE WITNESS: Because it was several	2	A. I agreed the difficulty with having
3	years ago and it was a high-level	3	teenage boys and trying to make sure that they're
4	conversation at lunch that probably had zero	4	responsible and respectful.
5	meaning whatsoever.	5	Q. Anything else about that conversation?
6	BY MS. GURMANKIN:	6	A. No.
7	Q. A high-level conversation about sex?	7	Q. Have you ever heard any male employees
8	A. No, a high-level conversation that	8	at Shell talk about their marriages or their
9	included many things, I'm sure.	9	relationships with significant others?
10	Q. Do you recall anything else that was	10	A. Yes.
11	said during that lunch?	11	Q. Who?
12	A. We talked a lot about football, so I'm	12	A. Will Turney.
13	sure we did.	13	Q. Anyone else?
14	Q. Are you guessing based on other	14	A. Wayne Fletcher.
15	conversations or do you remember talking about	15	Q. Anyone else?
16	football during that lunch?	16	A. Steve Craig.
17	A. I don't recollect for sure.	17	Q. Anyone else?
18	Q. Did just Hoover say something about	18	A. Greg Larsen at the time.
19	sex during that lunch or did you also say	19	Q. Anyone else?
20	something about sex?	20	A. No.
21	A. Just Hoover.	21	Q. What did Turney say about his marriage
22	Q. What did Chris Citrino say about sex?	22	or relationship with a significant other?
23	A. During our conversation? Chris	23	A. I knew she was he talked about her
24	Citrino?	24	being a nurse.
2.1	Chamo.	24	being a nuise.
	Page 102		Page 104
1	Q. Did Chris Citrino say something about	1	Q. Uh-huh.
2	sex during a conversation that you had with him?	2	A. Some of the things that she'd seen.
3	A. Yes.	3	Q. As a nurse?
4	Q. What was it?	4	A. Yeah.
5	A. His 16-year-old son, we had a	5	Q. Anything else?
6	conversation about girlfriends and having the talk	6	A. He did he discussed that they had
7	and trying to make sure he's safe.	7	some marital issues in the past.
8	Q. Is this what Citrino is telling you?	8	Q. What did he say about that?
9	A. Yeah.	9	A. He never really went into details,
10	Q. When is this?	10	just that they had worked it out.
11	A. When?	11	Q. Just that they had marital issues?
12	Q. Uh-huh.	12	A. Yup.
13	A. It was probably last year.	13	Q. He didn't tell you
14	Q. 2018?	14	MR. TUCKER: And he said that they had
15	A. Yeah.	15	worked it out is also what he said.
16	Q. Anyone else involved or just the two	16	BY MS. GURMANKIN:
17	of you?	17	Q. Yeah. My question is did he tell you
18	A. Just the two of us.	18	anything about the marital issues?
19	Q. Where?	19	A. No. No details.
20	A. Out in the field.	20	Q. Was it just the two of you talking?
21	Q. Where?	21	A. Yes.
22	A. At a location.	22	Q. Where?
		l	
23	Q. Where?	23	A. In the truck driving in the field.
	Q. Where?A. In Wellsboro.	23 24	A. In the truck driving in the field. Q. When?

	Shell Exploration & Production Company Appalachia, et al.	HONDO BLAKLEY, 8/16/1
	Page 105	Page 107
1	A. A couple years ago. Probably 2016.	1 he first became the OM.
2	Q. Anything else that Turney said about	2 Q. When are we talking?
3	his marriage?	3 A. It would have been twenty around
4	A. No.	4 2015 as well.
5	Q. What did Wayne Fletcher say about his	5 Q. What did he say?
6	marriage or relationship with a significant other?	6 A. Background. How long you been
7	A. He talked about his wife and their	7 married? Where he went to school. His wife also
8	future plans, retirement, things like that.	8 went to school. Got a little bit about his
9	Q. Anything else?	9 children. Just standard meet and greet
10	A. No. Usually around that kind of	10 conversation.
11	stuff.	11 Q. Other than Turney telling you about
12	Q. Just the two of you?	marital issues that he and his wife had in the
13	A. Yeah.	past, have you ever heard a male employee at Shell
14	Q. When?	14 complaining about their wives or girlfriends?
15	A. It's last year, this year.	15 A. Yes.
16	Q. 2018 and 2019?	16 Q. Who?
17	A. Yeah.	17 A. Will's complained before. Mark
18	Q. What did Steve Craig say about his	18 Hoover. Even Wayne's complained before.
19	marriage or relationship with a significant other?	19 Q. I'm sorry. What was the last name?
20	A. It was when he first came here he	20 A. Wayne Fletcher.
21	was giving me a background, get-to-know-you-type	21 Q. Anyone else?
22	conversation. Hobbies, things like that.	22 A. No.
23	Q. So what did he say about his marriage	Q. What did Turney complain about before?
24	or a significant other?	A. He complained he was thinking about
	Page 106	Page 108
1	A. Who she was, what she liked to do, how	going hunting, wasn't going to go. His wife felt
2	long they'd been married for.	2 he want he should go, but he didn't want to
3	Q. Anything else?	3 spend the money.
4	A. No.	4 Q. So what was he complaining about his
5	Q. And when was that?	5 wife?
6	A. When he first got here would have been	6 A. That there was a hunting trip that he
7	2017 no, it was earlier than that. 2014, 2015.	7 did not want to spend the money on but she thought
8	Q. Just the two of you?	8 he should go. So it was a financial conversation.
9	 A group conversation. 	9 MR. TUCKER: Wish I had a wife like
10	Q. Who else?	10 that.
11	A. Will.	11 THE WITNESS: Right.
12	Q. Will Turney?	12 MR. TUCKER: Yeah.
13	A. Mark Hoover.	13 BY MS. GURMANKIN:
14	Q. Will Turney?	14 Q. He was complaining about her because
15	A. Will Turney, Mark Hoover.	she wanted him to go on the hunting trip?
16	Q. Anyone else?	16 A. Correct.
17	A. Chris Anderson.	Q. Did he say anything about her other
18	Q. Anyone else?	18 than she wanted him to go?
19	A. No.	19 A. No.
20	Q. You said Craig Larsen at the time.	Q. Did he say she likes to spend money,
21	Did you mean at the time he was employed?	21 or words to that effect?
22	A. Yes.	A. Not in that conversation, no.
23	Q. What did he say?	Q. In another conversation?
24	A. It was a meet and greet as well when	A. In another conversation, yes.

	. Shell Exploration & Production Company Apparachia, et al.		HUNDU BLAKLET, 0/10/1
	Page 109		Page 111
1	Q. What did he say about that?	1	Q. Did he say why?
2	 That she likes to spend money. 	2	A. They were having differences in
3	Q. When was that?	3	opinions for better life and how it was going.
4	A. Probably just before they moved. Just	4	Q. Did he say what the differences of
5	before so it would have been late fall of last	5	opinion were?
6	year.	6	A. He didn't go into details.
7	Q. What was the context in which he said	7	Q. Did you ask?
8	it?	8	A. No.
9	A. He was talking about looking for a new	9	Q. Was it just the two of you?
10	truck.	10	A. Yes.
11	Q. A new what?	11	Q. How did that come up? Did he just
12	A. A new truck.	12	bring it up?
13	Q. Tell me what he said.	13	A. We were driving around the field doing
14	A. That he was looking for a bigger truck	14	some field checks and he said, "Just in case you
15	because they were possibly going to have to pull a	15	start to see me having some problems, me and my
16	tractor around on a trailer, and he was looking	16	wife is going through a rough patch and we may be
17	for a gas engine and she was talking about a	17	looking at divorce." I
18	diesel motor. And I said, "Diesels are much more	18	Q. What did you say?
19	expensive." And he said, "Yes. She likes to	19	A. I said I'm sorry to hear that. If you
20	spend money." And then there was a bit of	20	need anything, let me know.
21	laughter.	21	Q. Did he say anything else about it at
22	Q. Who laughed?	22	that time?
23	A. Who laughed?	23	A. No.
24	Q. Uh-huh.	24	Q. Any other times when Hoover complained
	Page 110		Page 112
1	A. Me and him both.	1	about his wife?
2	Q. Was it just the two of you?	2	A. Once once the divorce started, he
3	A. I believe so, yeah.	3	complained about how it was going.
4	 Q. Anything else he said about his wife 	4	Q. What did he say?
5	in that conversation?	5	A. He said it was "this is rough."
6	A. No. We moved on to which truck was	6	Q. Anything else?
7	better.	7	A. No.
8	 Q. And this is after he had gotten the 	8	Q. Did he say that more than once?
9	Midland, Texas job?	9	A. No.
10	A. No. It was prior to.	10	Q. Do you know if the divorce is final?
11	Q. After he applied?	11	 I don't know for sure, honestly.
12	A. Yeah.	12	Q. Did Hoover ever report to you either
13	Q. Any other times when Turney complained	13	directly or indirectly?
14	about his wife?	14	A. No.
15	A. No.	15	Q. Wayne Fletcher.
16	Q. How about Mark Hoover? When did he	16	MR. TUCKER: Before you go to him, let
17	complain about was that a wife or a girlfriend?	17	me take my next bathroom break. Don't go too
18	A. Wife.	18	far away.
19	Q. When did he complain about his wife?	19	VIDEOGRAPHER: We are now going off
20	A. Probably around 2016-ish, 2017.	20	the record. Time on the camera, 10:53 a.m.
21	Q. What did he say?	21	
22	A. They weren't getting along.	22	(Whereupon, a recess was taken from
23	Q. What did he say?	23	10:53 a.m. until 10:56 a.m.)
24	 A. That they weren't getting along. 	24	

	Page 113		Page 115
1	VIDEOGRAPHER: We're now back on the	1	He works in the maintenance department.
2	record, 10:56 a.m.	2	 Q. And did you ever work with him on any
3	BY MS. GURMANKIN:	3	task or project?
4	 Q. Did anyone ever tell you that they 	4	A. Yes.
5	were aware that Tonya Williams had made complaint	5	Q. Okay. Multiple times?
6	about complaints about being treated	6	A. Yes.
7	differently because of her race or her sex?	7	Q. Over what period?
8	A. No.	8	A. From 2010 till present.
9	Q. Never heard anything about that?	9	Q. Did you ever see him touch Jesse
10	 A. I never had anybody tell me that Tonya 	10	Barnes' hair?
11	had complaints based on her race or sex.	11	A. Yes.
12	Q. Did anyone tell you that Tonya had	12	Q. How many times?
13	complaints about anything?	13	A. Once.
14	A. No.	14	Q. When?
15	 Q. What complaints did you hear Wayne 	15	A. 2017, approximately.
16	Fletcher make about his wife?	16	Q. Where?
17	A. Financial.	17	A. In the office.
18	Q. What about it?	18	Q. Where were they?
19	A. Standard spending. She wanted to buy	19	 A. In front of her computer screen.
20	something and he didn't want her to or if he was	20	Q. They were both in front of her
21	going to buy something and she didn't want him to.	21	computer screen?
22	 Q. Was it more about her spending money 	22	A. No yeah.
23	or him spending money?	23	Q. Sitting or standing?
24	A. It was even.	24	MR. TUCKER: I'm sorry. Did you say
	Page 114		Page 116
1	Q. How many times did he talk about this?	1	no yeah or
2	A. A few times.	2	THE WITNESS: Yeah.
3	 Q. Was this just with you or when other 	l ~	
4		3	BY MS. GURMANKIN:
	people were around?	4	BY MS. GURMANKIN: Q. Yes, they were both in front of her
5	people were around? A. Mixture.		
5 6	• •	4	Q. Yes, they were both in front of her
	A. Mixture.	4 5	Q. Yes, they were both in front of her computer screen?
6	A. Mixture. Q. Who else was around when he said this? A. Like Ricky Dake. Steve Craig sometimes would even be around.	4 5 6	Q. Yes, they were both in front of her computer screen?A. Yes.Q. Were they both sitting or standing?A. I think sitting and standing.
6 7	A. Mixture. Q. Who else was around when he said this? A. Like Ricky Dake. Steve Craig sometimes would even be around. Q. Anyone else?	4 5 6 7	 Q. Yes, they were both in front of her computer screen? A. Yes. Q. Were they both sitting or standing? A. I think sitting and standing. Q. Who was sitting and who was standing?
6 7 8	A. Mixture. Q. Who else was around when he said this? A. Like Ricky Dake. Steve Craig sometimes would even be around. Q. Anyone else? A. Will Turney.	4 5 6 7 8	 Q. Yes, they were both in front of her computer screen? A. Yes. Q. Were they both sitting or standing? A. I think sitting and standing. Q. Who was sitting and who was standing? A. She was sitting and he was standing.
6 7 8 9	A. Mixture. Q. Who else was around when he said this? A. Like Ricky Dake. Steve Craig sometimes would even be around. Q. Anyone else? A. Will Turney. Q. Anyone else?	4 5 6 7 8 9 10	 Q. Yes, they were both in front of her computer screen? A. Yes. Q. Were they both sitting or standing? A. I think sitting and standing. Q. Who was sitting and who was standing? A. She was sitting and he was standing. Q. Behind her or next to her?
6 7 8 9 10	A. Mixture. Q. Who else was around when he said this? A. Like Ricky Dake. Steve Craig sometimes would even be around. Q. Anyone else? A. Will Turney. Q. Anyone else? A. No.	4 5 6 7 8 9 10 11	 Q. Yes, they were both in front of her computer screen? A. Yes. Q. Were they both sitting or standing? A. I think sitting and standing. Q. Who was sitting and who was standing? A. She was sitting and he was standing. Q. Behind her or next to her? A. Behind.
6 7 8 9 10 11 12 13	A. Mixture. Q. Who else was around when he said this? A. Like Ricky Dake. Steve Craig sometimes would even be around. Q. Anyone else? A. Will Turney. Q. Anyone else? A. No. Q. Who's Ken Foreman?	4 5 6 7 8 9 10 11 12 13	 Q. Yes, they were both in front of her computer screen? A. Yes. Q. Were they both sitting or standing? A. I think sitting and standing. Q. Who was sitting and who was standing? A. She was sitting and he was standing. Q. Behind her or next to her? A. Behind. Q. How close was he standing to her?
6 7 8 9 10 11 12 13	A. Mixture. Q. Who else was around when he said this? A. Like Ricky Dake. Steve Craig sometimes would even be around. Q. Anyone else? A. Will Turney. Q. Anyone else? A. No. Q. Who's Ken Foreman? A. Planner.	4 5 6 7 8 9 10 11 12 13 14	 Q. Yes, they were both in front of her computer screen? A. Yes. Q. Were they both sitting or standing? A. I think sitting and standing. Q. Who was sitting and who was standing? A. She was sitting and he was standing. Q. Behind her or next to her? A. Behind. Q. How close was he standing to her? A. A couple feet.
6 7 8 9 10 11 12 13	A. Mixture. Q. Who else was around when he said this? A. Like Ricky Dake. Steve Craig sometimes would even be around. Q. Anyone else? A. Will Turney. Q. Anyone else? A. No. Q. Who's Ken Foreman? A. Planner. Q. You work with him?	4 5 6 7 8 9 10 11 12 13 14 15	 Q. Yes, they were both in front of her computer screen? A. Yes. Q. Were they both sitting or standing? A. I think sitting and standing. Q. Who was sitting and who was standing? A. She was sitting and he was standing. Q. Behind her or next to her? A. Behind. Q. How close was he standing to her? A. A couple feet. Q. And where were you?
6 7 8 9 10 11 12 13	A. Mixture. Q. Who else was around when he said this? A. Like Ricky Dake. Steve Craig sometimes would even be around. Q. Anyone else? A. Will Turney. Q. Anyone else? A. No. Q. Who's Ken Foreman? A. Planner. Q. You work with him? A. Yes.	4 5 6 7 8 9 10 11 12 13 14 15 16	 Q. Yes, they were both in front of her computer screen? A. Yes. Q. Were they both sitting or standing? A. I think sitting and standing. Q. Who was sitting and who was standing? A. She was sitting and he was standing. Q. Behind her or next to her? A. Behind. Q. How close was he standing to her? A. A couple feet. Q. And where were you? A. To the right of them.
6 7 8 9 10 11 12 13 14	A. Mixture. Q. Who else was around when he said this? A. Like Ricky Dake. Steve Craig sometimes would even be around. Q. Anyone else? A. Will Turney. Q. Anyone else? A. No. Q. Who's Ken Foreman? A. Planner. Q. You work with him? A. Yes. Q. Did he ever report to you directly or	4 5 6 7 8 9 10 11 12 13 14 15 16 17	 Q. Yes, they were both in front of her computer screen? A. Yes. Q. Were they both sitting or standing? A. I think sitting and standing. Q. Who was sitting and who was standing? A. She was sitting and he was standing. Q. Behind her or next to her? A. Behind. Q. How close was he standing to her? A. A couple feet. Q. And where were you? A. To the right of them. Q. To the right of her work space?
6 7 8 9 10 11 12 13 14 15	A. Mixture. Q. Who else was around when he said this? A. Like Ricky Dake. Steve Craig sometimes would even be around. Q. Anyone else? A. Will Turney. Q. Anyone else? A. No. Q. Who's Ken Foreman? A. Planner. Q. You work with him? A. Yes. Q. Did he ever report to you directly or indirectly?	4 5 6 7 8 9 10 11 12 13 14 15 16	 Q. Yes, they were both in front of her computer screen? A. Yes. Q. Were they both sitting or standing? A. I think sitting and standing. Q. Who was sitting and who was standing? A. She was sitting and he was standing. Q. Behind her or next to her? A. Behind. Q. How close was he standing to her? A. A couple feet. Q. And where were you? A. To the right of them. Q. To the right of her work space? A. Yeah.
6 7 8 9 10 11 12 13 14 15 16	A. Mixture. Q. Who else was around when he said this? A. Like Ricky Dake. Steve Craig sometimes would even be around. Q. Anyone else? A. Will Turney. Q. Anyone else? A. No. Q. Who's Ken Foreman? A. Planner. Q. You work with him? A. Yes. Q. Did he ever report to you directly or indirectly? A. No.	4 5 6 7 8 9 10 11 12 13 14 15 16 17	 Q. Yes, they were both in front of her computer screen? A. Yes. Q. Were they both sitting or standing? A. I think sitting and standing. Q. Who was sitting and who was standing? A. She was sitting and he was standing. Q. Behind her or next to her? A. Behind. Q. How close was he standing to her? A. A couple feet. Q. And where were you? A. To the right of them. Q. To the right of her work space? A. Yeah. Q. How far were you?
6 7 8 9 10 11 12 13 14 15 16 17 18	A. Mixture. Q. Who else was around when he said this? A. Like Ricky Dake. Steve Craig sometimes would even be around. Q. Anyone else? A. Will Turney. Q. Anyone else? A. No. Q. Who's Ken Foreman? A. Planner. Q. You work with him? A. Yes. Q. Did he ever report to you directly or indirectly? A. No. Q. When did you work with him?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 Q. Yes, they were both in front of her computer screen? A. Yes. Q. Were they both sitting or standing? A. I think sitting and standing. Q. Who was sitting and who was standing? A. She was sitting and he was standing. Q. Behind her or next to her? A. Behind. Q. How close was he standing to her? A. A couple feet. Q. And where were you? A. To the right of them. Q. To the right of her work space? A. Yeah. Q. How far were you? A. Back probably three, four feet away.
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Mixture. Q. Who else was around when he said this? A. Like Ricky Dake. Steve Craig sometimes would even be around. Q. Anyone else? A. Will Turney. Q. Anyone else? A. No. Q. Who's Ken Foreman? A. Planner. Q. You work with him? A. Yes. Q. Did he ever report to you directly or indirectly? A. No. Q. When did you work with him? A. What's your definition of "with"? Q. Well, you answered the question yes.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. Yes, they were both in front of her computer screen? A. Yes. Q. Were they both sitting or standing? A. I think sitting and standing. Q. Who was sitting and who was standing? A. She was sitting and he was standing. Q. Behind her or next to her? A. Behind. Q. How close was he standing to her? A. A couple feet. Q. And where were you? A. To the right of them. Q. To the right of her work space? A. Yeah. Q. How far were you? A. Back probably three, four feet away. Q. And what were you doing there? A. Was part of their conversation.

	Page 117		Page 119
1	Q. I'm sorry?	1	A. Reached forward.
2	A. SAP work stuff.	2	Q. He didn't move at all?
3	Q. Were you facing the the two of	3	A. Not that I recall.
4	them?	4	Q. Did you say anything?
5	A. No. I was looking at the computer	5	A. No.
6	screen as well.	6	Q. Did Jesse say anything?
7	Q. So were you behind Jesse?	7	A. No.
8	A. To the right.	8	Q. Did Ken say anything when he was doing
9	Q. To the right	9	this?
10	A. Behind and to the right.	10	A. No.
11	Q. Okay. About three, four feet?	11	Q. Did you ever report this to anyone at
12	A. Yeah.	12	the company, that you saw him do that?
13	Q. And was Foreman directly behind her?	13	A. Not until after the allegations were
14	A. Nah. To the left a little bit	14	made.
15	probably.	15	Q. So, yes, you did at some point?
16	Q. Behind a couple feet and to the left	16	A. Yes.
17	how much?	17	Q. When?
18	A. Just slightly.	18	A. During my interview with Megan.
19	Q. And what did you see regarding his	19	Q. Megan Kloosterman?
20	touching her hair?	20	A. Yes.
21	A. I recollect he picked just kind of	21	
22	picked it up and moved it.	22	(Whereupon, Exhibit 5 was marked for
23	Q. Picked her hair up?	23	identification by Ms. Gurmankin.)
24	A. Uh-huh.	24	
	Page 118		Page 120
1	Q. Yes?	1	BY MS. GURMANKIN:
2	A. Yes.	2	Q. All right. You should have in front
3	Q. Was it in a pony tail or was it	3	of you what's been marked as Exhibit 5, Bates
4	straight back?	4	stamped Shell 1132 through 1136.
5	A. Straight back.	5	Have you seen this document before?
6	Q. Where did he move it?	6	A. Yes.
7	A. To the side.	7	Q. When? When is the first time you saw
8	Q. Over her shoulder?	8	this document?
9	A. It didn't go over the shoulder. It	9	A. Last week.
10	just kind of went to the right a little bit.	10	Q. Was that in preparation for your
11	Q. He moved it to the right a little bit?	11	deposition today?
12	A. Yeah.	12	A. Yes.
13	Q. How long did he hold onto her hair?	13	Q. Had you seen it at all before last
14	A. Seconds.	14	week?
15	Q. Do you recall how many seconds?	15	A. No.
16	A. It was just a few. Just enough to	16	Q. Did you review it when you saw it last
17	pick it up and move it to the side.	17	week?
18	Q. More than ten?	18	A. Yes.
19	A. No.	19	Q. Is everything accurate?
20	Q. More than five?	20	 (Decree)
21	A. Probably not. Less than five.	21	(Pause)
22	Q. Did he move closer to her to pick up	22	
23	her hair or he reached forward over the couple	23	A. Yes.
24	feet and picked it up?	24	Q. Based on your review last week and
•		1	

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	Page 121		Page 123
1	your review just now, does that seem to be a	1	dispute that that's the date on which the two of
2	thorough depiction of your interview with Megan	2	you met?
3	Kloosterman?	3	A. I don't.
4	A. Yeah.	4	Q. So does that mean that you saw Foreman
5	Q. Was that in person?	5	touch Jesse's hair, pick it up and move it over,
6	MR. TUCKER: The meeting with	6	prior to 12/7/2016?
7	Ms. Kloosterman you're referring to?	7	A. I believe so, yeah.
8	MS. GURMANKIN: Uh-huh. Yup.	8	Q. Any other occasion in which you saw
9	THE WITNESS: Yes.	9	Foreman touch Jesse's hair?
10	BY MS. GURMANKIN:	10	MR. TUCKER: Objection, asked and
11	Q. Where?	11	answered.
12	A. Wellsboro.	12	You may answer it again.
13	Q. Where?	13	THE WITNESS: No.
14	A. In the Shell office.	14	BY MS. GURMANKIN:
15	Q. In an office or a conference room?	15	Q. Do you recall how soon it was prior to
16	A. Conference room.	16	12/7/2016 that you saw it?
17	Q. Just the two of you?	17	A. I don't recall.
18	A. Yes.	18	 Q. Do you recall if it was months or days
19	Q. How long?	19	or weeks or no idea?
20	A. Approximately an hour.	20	A. I don't.
21	Q. Did you bring anything with you?	21	 Q. Prior to discussing it with
22	A. No.	22	Kloosterman during her interview, did you mention
23	Q. From what you could tell, did she have	23	it to anyone else at Shell?
24	anything in front of her?	24	A. No.
	Page 122		Page 124
1	A. Yes.	1	Q. Did you document in any way that you
2	Q. What?	2	saw Foreman touch Jesse's hair?
3	A. Notepad.	3	A. No.
4	Q. Was she taking notes while you were	4	Q. Did you ever take a picture of Jesse?
5	talking?	5	A. No.
6	A. Yes.	6	Q. After you saw Foreman touch Jesse's
7	Q. She was handwriting on the notepad?	7	hair, did you say anything to Foreman about it at
8	A. Yeah.	8	any point?
9	Q. Anything else in front of her other	9	MR. TUCKER: Objection, asked and
10	than the notepad that she was writing things down	10	answered.
11	in?	11	You may answer it again.
12	A. No.	12	THE WITNESS: No.
13	Q. Did she look	13	BY MS. GURMANKIN:
14	A. Not that	14	Q. Who's Michelle Toothman?
15	Q. I'm sorry.	15	A. Is an ex-field operator.
16	A. Not that I recall.	16	Q. She's no longer at Shell?
17	Q. If you look at the first page. It	17	A. No.
18	says, Attendees, Hondo Blakley, Megan Kloosterman,	18	Q. Is that correct?
19	HR. Date: 12/7/2016.	19	A. Yes.
20	Do you see that?	20	Q. When did she leave?
21	A. Uh-huh.	21	A. I don't recall.
22	Q. Yes?	22	Q. Do you recall the year?
23	A. Yes.	23	A. No.
		1	
24	Q. All right. Do you have any reason to	24	Q. Did she report to you?

	Page 125		Page 127
1	A. For a brief time.	1	A. No.
2	Q. When?	2	Q. What position was April Heater hired
3	A. I don't recall when she worked at	3	into?
4	the the years.	4	A. Water.
5	Q. Do you recall about how long she was	5	Q. What was her title?
6	at Shell?	6	A. Environmental technician.
7	A. Approximate, I would say, six months	7	Q. When did you hire her?
8	to a year.	8	A. At the beginning of the year.
9	Q. Was she reporting to you at the time	9	Q. This year?
10	that she left?	10	A. Yes.
11	A. I believe so, yes.	11	Q. 2019?
12	Q. Why did she leave?	12	A. Yup.
13	A. She was pregnant.	13	Q. Does she have a reporting relationship
14	Q. Did she resign?	14	to you?
15	A. I don't remember what the official	15	A. Yes.
16	how it officially went down.	16	Q. Direct or indirect?
17	Q. So she may have been terminated?	17	A. Direct.
18	A. She was a contractor. So I would say	18	Q. Did she work at Shell in any capacity
19	no, it wasn't a termination.	19	prior to being hired in 2019?
20	Q. So then she resigned voluntarily?	20	A. As a contractor.
21	A. I think due to being pregnant, but I	21	Q. Do you know when she started as a
22	don't recall for sure.	22	contractor?
23	Q. Who was she a contractor through?	23	A. Probably around 2012 or '13.
24	A. Danos.	24	Q. And did she work as a contractor
24	A. Danos.	24	Q. And did she work as a contractor
	Page 126		Page 128
1	Q. How do you spell that?	1	consistently through her hire earlier in 2019?
2	A. D-a-n-o-s.	2	A. Yes.
3	Q. Was she a contractor through Danos the	3	Q. Did she have a reporting relationship
4	entire time that she worked at Shell to your	4	to you as a contractor?
5	knowledge?	5	A. Yes.
6	A. To my knowledge.	6	Q. And Jennifer Compton, when was she
7	Q. Do you ever hire a female employee	7	hired?
8	during your employment at Shell?	8	A. Around that 2013, '14 time frame.
9	MR. TUCKER: Outside of Ms. Barnes	9	Q. Into what position?
10	or	10	A. Environmental inspector.
11	BY MS. GURMANKIN:	11	Q. Is that higher than technician or on
12	Q. Did you hire any female employees	12	the same level?
13	during your employment at Shell?	13	A. Same level.
14	MR. TUCKER: And I'm just asking other	14	Q. Did Compton report to you when she was
15	than Ms. Barnes?	15	hired?
16	BY MS. GURMANKIN:	16	A. Yes.
17	Q. I'm asking, did you hire any female	17	Q. Directly?
18	employees during your employment at Shell?	18	A. Yes.
19	A. Yes.	19	Q. Does she still report to you?
	Q. Who?	20	A. No.
20		1	
20 21		21	Q. When did that stop?
	A. April Heater and Jennifer I don't	21 22	•
21			
21 22	A. April Heater and Jennifer I don't remember Jennifer's last name. Jen Compton. I	22	A. Three years ago.

	D 100		D 121
	Page 129		Page 131
1	Q. And why did that stop?	1	Q. So did she actually do the charts and
2	A. I believe she found another job.	2	graphs, but she didn't do them right?
3	Q. Outside of Shell?	3	A. Correct.
4	A. Yes.	4	Q. How many times did this happen?
5	Q. Do you know where?	5	A. A few times.
6	A. At the time I believe it was another	6	Q. More than five?
7	environmental company.	7	A. Yeah.
8	Q. You don't recall the name?	8	Q. Starting around the end of summer
9	A. I don't.	9	2017?
10	Q. Did you promote any women during your	10	A. No, two-thousand it was around
11	employment at Shell?	11	2016.
12	A. No.	12	Q. End of summer 2016?
13	Q. Based on your experience working with	13	A. Yeah. Around there. In the beginning
14	and interacting with Jesse Barnes, do you agree	14	fall, in that time frame.
15	with the following statement? That she performed	15 16	Q. Any other duties she was struggling
16	satisfactorily during her employment with Shell.	17	with starting at the end of summer, fall 2016? A. There was some teamwork stuff that I
17	A. No, I don't agree with that.	18	
18	Q. Okay. Why not?	19	was coaching her on as well. Q. Was she struggling with any other
19	A. Towards the end of her employment	20	Q. Was she struggling with any other duties starting in the end of summer, fall 2016?
20	performance was did need some improvement.	21	A. No.
21	Q. So she left around April of 2019.	22	Q. These teamwork issues, when did they
22	When did that start to show?	23	first show?
23 24	 A. Around the end of summer, beginning of fall of 2017. 	24	A. Through that first year of 2016 and it
24	Tall 01 2017.		A. Through that hist year of 2010 and it
	Page 130		Page 132
1	Q. And how did that begin to show?	1	just started increasing more and more.
2	A. I was coaching her at the time because	2	Q. When in 2016?
3	she was struggling with some of the duties that	١ ،	
		3	A. Spring.
4	her role had.	4	A. Spring.Q. Can you pinpoint it any further?
4 5	her role had. Q. What role was she in at the time that		· -
		4	Q. Can you pinpoint it any further?
5	Q. What role was she in at the time that	4 5	Q. Can you pinpoint it any further?A. To the date? No.
5 6	Q. What role was she in at the time that she started struggling?	4 5 6	Q. Can you pinpoint it any further?A. To the date? No.Q. Month?
5 6 7	Q. What role was she in at the time that she started struggling?A. Maintenance analyst.	4 5 6 7	Q. Can you pinpoint it any further?A. To the date? No.Q. Month?A. It would have been springtime. I
5 6 7 8	Q. What role was she in at the time that she started struggling?A. Maintenance analyst.Q. What duties was she struggling with?	4 5 6 7 8	 Q. Can you pinpoint it any further? A. To the date? No. Q. Month? A. It would have been springtime. I can't rec recollect anything more detailed than
5 6 7 8 9	Q. What role was she in at the time that she started struggling?A. Maintenance analyst.Q. What duties was she struggling with?A. Continuous improvement lean	4 5 6 7 8 9	 Q. Can you pinpoint it any further? A. To the date? No. Q. Month? A. It would have been springtime. I can't rec recollect anything more detailed than that.
5 6 7 8 9	 Q. What role was she in at the time that she started struggling? A. Maintenance analyst. Q. What duties was she struggling with? A. Continuous improvement lean initiatives. Q. L-e-a-n? A. Yes. 	4 5 6 7 8 9	 Q. Can you pinpoint it any further? A. To the date? No. Q. Month? A. It would have been springtime. I can't rec recollect anything more detailed than that. Q. What happened in the spring of 2016?
5 6 7 8 9 10 11	 Q. What role was she in at the time that she started struggling? A. Maintenance analyst. Q. What duties was she struggling with? A. Continuous improvement lean initiatives. Q. L-e-a-n? 	4 5 6 7 8 9 10	 Q. Can you pinpoint it any further? A. To the date? No. Q. Month? A. It would have been springtime. I can't rec recollect anything more detailed than that. Q. What happened in the spring of 2016? A. There were some conversations about other people getting her getting assignments which she thought were was part of her role and
5 6 7 8 9 10 11 12	 Q. What role was she in at the time that she started struggling? A. Maintenance analyst. Q. What duties was she struggling with? A. Continuous improvement lean initiatives. Q. L-e-a-n? A. Yes. 	4 5 6 7 8 9 10 11 12 13 14	 Q. Can you pinpoint it any further? A. To the date? No. Q. Month? A. It would have been springtime. I can't rec recollect anything more detailed than that. Q. What happened in the spring of 2016? A. There were some conversations about other people getting her getting assignments which she thought were was part of her role and she would be angry about it. That's and it
5 6 7 8 9 10 11 12	 Q. What role was she in at the time that she started struggling? A. Maintenance analyst. Q. What duties was she struggling with? A. Continuous improvement lean initiatives. Q. L-e-a-n? A. Yes. Q. How was she struggling with those duties? A. There was a lot of visual boards and 	4 5 6 7 8 9 10 11 12 13 14	 Q. Can you pinpoint it any further? A. To the date? No. Q. Month? A. It would have been springtime. I can't rec recollect anything more detailed than that. Q. What happened in the spring of 2016? A. There were some conversations about other people getting her getting assignments which she thought were was part of her role and she would be angry about it. That's and it would be comments made like, "That's my job. What
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5 6 7 8 9 10 11 12 13 14	 Q. What role was she in at the time that she started struggling? A. Maintenance analyst. Q. What duties was she struggling with? A. Continuous improvement lean initiatives. Q. L-e-a-n? A. Yes. Q. How was she struggling with those duties? A. There was a lot of visual boards and graphs and charts that needed to be done and not put up for display, and there was 	4 5 6 7 8 9 10 11 12 13 14	 Q. Can you pinpoint it any further? A. To the date? No. Q. Month? A. It would have been springtime. I can't rec recollect anything more detailed than that. Q. What happened in the spring of 2016? A. There were some conversations about other people getting her getting assignments which she thought were was part of her role and she would be angry about it. That's and it would be comments made like, "That's my job. What is he doing that for?" Q. These were complaints so Jesse was
5 6 7 8 9 10 11 12 13 14 15	 Q. What role was she in at the time that she started struggling? A. Maintenance analyst. Q. What duties was she struggling with? A. Continuous improvement lean initiatives. Q. L-e-a-n? A. Yes. Q. How was she struggling with those duties? A. There was a lot of visual boards and graphs and charts that needed to be done and 	4 5 6 7 8 9 10 11 12 13 14 15 16	 Q. Can you pinpoint it any further? A. To the date? No. Q. Month? A. It would have been springtime. I can't rec recollect anything more detailed than that. Q. What happened in the spring of 2016? A. There were some conversations about other people getting her getting assignments which she thought were was part of her role and she would be angry about it. That's and it would be comments made like, "That's my job. What is he doing that for?" Q. These were complaints so Jesse was complaining that other people were getting tasks
5 6 7 8 9 10 11 12 13 14 15 16 17	 Q. What role was she in at the time that she started struggling? A. Maintenance analyst. Q. What duties was she struggling with? A. Continuous improvement lean initiatives. Q. L-e-a-n? A. Yes. Q. How was she struggling with those duties? A. There was a lot of visual boards and graphs and charts that needed to be done and not put up for display, and there was struggling with getting some of that stuff done. Q. What in particular was she struggling 	4 5 6 7 8 9 10 11 12 13 14 15 16 17	 Q. Can you pinpoint it any further? A. To the date? No. Q. Month? A. It would have been springtime. I can't rec recollect anything more detailed than that. Q. What happened in the spring of 2016? A. There were some conversations about other people getting her getting assignments which she thought were was part of her role and she would be angry about it. That's and it would be comments made like, "That's my job. What is he doing that for?" Q. These were complaints so Jesse was
5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. What role was she in at the time that she started struggling? A. Maintenance analyst. Q. What duties was she struggling with? A. Continuous improvement lean initiatives. Q. L-e-a-n? A. Yes. Q. How was she struggling with those duties? A. There was a lot of visual boards and graphs and charts that needed to be done and not put up for display, and there was struggling with getting some of that stuff done.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 Q. Can you pinpoint it any further? A. To the date? No. Q. Month? A. It would have been springtime. I can't rec recollect anything more detailed than that. Q. What happened in the spring of 2016? A. There were some conversations about other people getting her getting assignments which she thought were was part of her role and she would be angry about it. That's and it would be comments made like, "That's my job. What is he doing that for?" Q. These were complaints so Jesse was complaining that other people were getting tasks
5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. What role was she in at the time that she started struggling? A. Maintenance analyst. Q. What duties was she struggling with? A. Continuous improvement lean initiatives. Q. L-e-a-n? A. Yes. Q. How was she struggling with those duties? A. There was a lot of visual boards and graphs and charts that needed to be done and not put up for display, and there was struggling with getting some of that stuff done. Q. What in particular was she struggling with? A. Charts and graphs.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 Q. Can you pinpoint it any further? A. To the date? No. Q. Month? A. It would have been springtime. I can't rec recollect anything more detailed than that. Q. What happened in the spring of 2016? A. There were some conversations about other people getting her getting assignments which she thought were was part of her role and she would be angry about it. That's and it would be comments made like, "That's my job. What is he doing that for?" Q. These were complaints so Jesse was complaining that other people were getting tasks that she thought were her responsibility?
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. What role was she in at the time that she started struggling? A. Maintenance analyst. Q. What duties was she struggling with? A. Continuous improvement lean initiatives. Q. L-e-a-n? A. Yes. Q. How was she struggling with those duties? A. There was a lot of visual boards and graphs and charts that needed to be done and not put up for display, and there was struggling with getting some of that stuff done. Q. What in particular was she struggling with? A. Charts and graphs. Q. Actually doing them? A. Yeah. The finished product wasn't	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 Q. Can you pinpoint it any further? A. To the date? No. Q. Month? A. It would have been springtime. I can't rec recollect anything more detailed than that. Q. What happened in the spring of 2016? A. There were some conversations about other people getting her getting assignments which she thought were was part of her role and she would be angry about it. That's and it would be comments made like, "That's my job. What is he doing that for?" Q. These were complaints so Jesse was complaining that other people were getting tasks that she thought were her responsibility? A. Correct. Q. Did she complain to you about this? A. Some, yes. Q. How many times?
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. What role was she in at the time that she started struggling? A. Maintenance analyst. Q. What duties was she struggling with? A. Continuous improvement lean initiatives. Q. L-e-a-n? A. Yes. Q. How was she struggling with those duties? A. There was a lot of visual boards and graphs and charts that needed to be done and not put up for display, and there was struggling with getting some of that stuff done. Q. What in particular was she struggling with? A. Charts and graphs. Q. Actually doing them?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. Can you pinpoint it any further? A. To the date? No. Q. Month? A. It would have been springtime. I can't rec recollect anything more detailed than that. Q. What happened in the spring of 2016? A. There were some conversations about other people getting her getting assignments which she thought were was part of her role and she would be angry about it. That's and it would be comments made like, "That's my job. What is he doing that for?" Q. These were complaints so Jesse was complaining that other people were getting tasks that she thought were her responsibility? A. Correct. Q. Did she complain to you about this? A. Some, yes.

24

A. I asked her if she talked to Will

	Page 133		Page 135
1	Q. Starting in the spring of 2016?	1	about it.
2	A. Yes.	2	Q. What did she say?
3	Q. What tasks, during the three or four	3	A. At first it was no. So then I
4	times that she complained to you about this,	4	directed her to talk to him because that was her
5	what who was she saying got tasks that she	5	supervisor.
6	thought were her responsibility?	6	Q. Did she tell you why she hadn't talked
7	A. It was a mixture in between Dan Krise	7	to Turney before coming to you?
8	and Ken Foreman.	8	A. No.
9	Q. Okay. Anyone else?	9	Q. Did you ask her?
10	A. No.	10	A. No.
11	Q. What tasks was she saying that Krise	11	Q. How come?
12	got that she thought she was responsible for?	12	A. The question just didn't come up.
13	A. I don't remember specifically.	13	Q. And what tasks was she saying were
14	Q. Do you remember generally?	14	assigned to Ken Foreman that she thought should
15	A. It was around it was around stuff	15	have gone to her?
16	in SAP work, work prep.	16	A. More stuff around the SAP planning
17	Q. You don't remember more specifically	17	type scenario, maintenance. You know, you
18	than that?	18	analyzing some of the stuff. Work package prep, I
19	A. No.	19	believe, was some of it as well.
20	Q. Were the things that she was	20	Q. She was a maintenance analyst at the
21	complaining about that Dan got, was she right,	21	time?
22	that those should have been her responsibility?	1	
23	A. No.	22	
24		23	Q. And again, the tasks that she was
24	Q. Those were Dan's responsibilities?	24	complaining about that went to Foreman, these were
	Page 134		Page 136
1	Page 134 A. It was a there was never a	1	Page 136 things that anyone could have done?
1 2		1 2	
	A. It was a there was never a		things that anyone could have done?
2	A. It was a there was never a responsibility tied to one person when you look at	2	things that anyone could have done? A. In that group.
2 3	A. It was a there was never a responsibility tied to one person when you look at planning and scheduling. So anybody could do the	2 3	things that anyone could have done? A. In that group. Q. Including Jesse?
2 3 4	A. It was a there was never a responsibility tied to one person when you look at planning and scheduling. So anybody could do the task. It was up to the supervisor to dictate who	2 3 4	things that anyone could have done? A. In that group. Q. Including Jesse? A. Yeah.
2 3 4 5	A. It was a there was never a responsibility tied to one person when you look at planning and scheduling. So anybody could do the task. It was up to the supervisor to dictate who does what.	2 3 4 5	things that anyone could have done? A. In that group. Q. Including Jesse? A. Yeah. Q. All right. When she came to you on
2 3 4 5 6	A. It was a there was never a responsibility tied to one person when you look at planning and scheduling. So anybody could do the task. It was up to the supervisor to dictate who does what. Q. That was Turney?	2 3 4 5 6	things that anyone could have done? A. In that group. Q. Including Jesse? A. Yeah. Q. All right. When she came to you on these on these three or four occasions and complained about these tasks going to Krise and
2 3 4 5 6 7	A. It was a there was never a responsibility tied to one person when you look at planning and scheduling. So anybody could do the task. It was up to the supervisor to dictate who does what. Q. That was Turney? A. Yes.	2 3 4 5 6 7	things that anyone could have done? A. In that group. Q. Including Jesse? A. Yeah. Q. All right. When she came to you on these on these three or four occasions and
2 3 4 5 6 7 8	A. It was a there was never a responsibility tied to one person when you look at planning and scheduling. So anybody could do the task. It was up to the supervisor to dictate who does what. Q. That was Turney? A. Yes. Q. All right. So she could have done	2 3 4 5 6 7 8	things that anyone could have done? A. In that group. Q. Including Jesse? A. Yeah. Q. All right. When she came to you on these on these three or four occasions and complained about these tasks going to Krise and Foreman instead of her, did you talk to Turney
2 3 4 5 6 7 8	A. It was a there was never a responsibility tied to one person when you look at planning and scheduling. So anybody could do the task. It was up to the supervisor to dictate who does what. Q. That was Turney? A. Yes. Q. All right. So she could have done those responsibilities	2 3 4 5 6 7 8	things that anyone could have done? A. In that group. Q. Including Jesse? A. Yeah. Q. All right. When she came to you on these on these three or four occasions and complained about these tasks going to Krise and Foreman instead of her, did you talk to Turney about that?
2 3 4 5 6 7 8 9	A. It was a there was never a responsibility tied to one person when you look at planning and scheduling. So anybody could do the task. It was up to the supervisor to dictate who does what. Q. That was Turney? A. Yes. Q. All right. So she could have done those responsibilities A. Right.	2 3 4 5 6 7 8 9	things that anyone could have done? A. In that group. Q. Including Jesse? A. Yeah. Q. All right. When she came to you on these on these three or four occasions and complained about these tasks going to Krise and Foreman instead of her, did you talk to Turney about that? A. I did.
2 3 4 5 6 7 8 9 10	A. It was a there was never a responsibility tied to one person when you look at planning and scheduling. So anybody could do the task. It was up to the supervisor to dictate who does what. Q. That was Turney? A. Yes. Q. All right. So she could have done those responsibilities A. Right. Q that she was telling you were	2 3 4 5 6 7 8 9 10	things that anyone could have done? A. In that group. Q. Including Jesse? A. Yeah. Q. All right. When she came to you on these on these three or four occasions and complained about these tasks going to Krise and Foreman instead of her, did you talk to Turney about that? A. I did. Q. After the third or fourth time or
2 3 4 5 6 7 8 9 10 11 12	A. It was a there was never a responsibility tied to one person when you look at planning and scheduling. So anybody could do the task. It was up to the supervisor to dictate who does what. Q. That was Turney? A. Yes. Q. All right. So she could have done those responsibilities A. Right. Q that she was telling you were assigned to Dan Krise?	2 3 4 5 6 7 8 9 10 11 12	things that anyone could have done? A. In that group. Q. Including Jesse? A. Yeah. Q. All right. When she came to you on these on these three or four occasions and complained about these tasks going to Krise and Foreman instead of her, did you talk to Turney about that? A. I did. Q. After the third or fourth time or what?
2 3 4 5 6 7 8 9 10 11 12	A. It was a there was never a responsibility tied to one person when you look at planning and scheduling. So anybody could do the task. It was up to the supervisor to dictate who does what. Q. That was Turney? A. Yes. Q. All right. So she could have done those responsibilities A. Right. Q that she was telling you were assigned to Dan Krise? A. Yeah.	2 3 4 5 6 7 8 9 10 11 12 13	things that anyone could have done? A. In that group. Q. Including Jesse? A. Yeah. Q. All right. When she came to you on these on these three or four occasions and complained about these tasks going to Krise and Foreman instead of her, did you talk to Turney about that? A. I did. Q. After the third or fourth time or what? A. After the second.
2 3 4 5 6 7 8 9 10 11 12 13 14	A. It was a there was never a responsibility tied to one person when you look at planning and scheduling. So anybody could do the task. It was up to the supervisor to dictate who does what. Q. That was Turney? A. Yes. Q. All right. So she could have done those responsibilities A. Right. Q that she was telling you were assigned to Dan Krise? A. Yeah. Q. And when she came to you and	2 3 4 5 6 7 8 9 10 11 12 13 14	things that anyone could have done? A. In that group. Q. Including Jesse? A. Yeah. Q. All right. When she came to you on these on these three or four occasions and complained about these tasks going to Krise and Foreman instead of her, did you talk to Turney about that? A. I did. Q. After the third or fourth time or what? A. After the second. Q. Where did you talk to Turney? Where
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. It was a there was never a responsibility tied to one person when you look at planning and scheduling. So anybody could do the task. It was up to the supervisor to dictate who does what. Q. That was Turney? A. Yes. Q. All right. So she could have done those responsibilities A. Right. Q that she was telling you were assigned to Dan Krise? A. Yeah. Q. And when she came to you and complained that Dan Krise was getting	2 3 4 5 6 7 8 9 10 11 12 13 14 15	things that anyone could have done? A. In that group. Q. Including Jesse? A. Yeah. Q. All right. When she came to you on these on these three or four occasions and complained about these tasks going to Krise and Foreman instead of her, did you talk to Turney about that? A. I did. Q. After the third or fourth time or what? A. After the second. Q. Where did you talk to Turney? Where were you?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. It was a there was never a responsibility tied to one person when you look at planning and scheduling. So anybody could do the task. It was up to the supervisor to dictate who does what. Q. That was Turney? A. Yes. Q. All right. So she could have done those responsibilities A. Right. Q that she was telling you were assigned to Dan Krise? A. Yeah. Q. And when she came to you and complained that Dan Krise was getting responsibilities regarding the SAP work prep that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	things that anyone could have done? A. In that group. Q. Including Jesse? A. Yeah. Q. All right. When she came to you on these on these three or four occasions and complained about these tasks going to Krise and Foreman instead of her, did you talk to Turney about that? A. I did. Q. After the third or fourth time or what? A. After the second. Q. Where did you talk to Turney? Where were you? A. In the office.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. It was a there was never a responsibility tied to one person when you look at planning and scheduling. So anybody could do the task. It was up to the supervisor to dictate who does what. Q. That was Turney? A. Yes. Q. All right. So she could have done those responsibilities A. Right. Q that she was telling you were assigned to Dan Krise? A. Yeah. Q. And when she came to you and complained that Dan Krise was getting responsibilities regarding the SAP work prep that she thought should have gone to her, what did you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	things that anyone could have done? A. In that group. Q. Including Jesse? A. Yeah. Q. All right. When she came to you on these on these three or four occasions and complained about these tasks going to Krise and Foreman instead of her, did you talk to Turney about that? A. I did. Q. After the third or fourth time or what? A. After the second. Q. Where did you talk to Turney? Where were you? A. In the office. Q. In person?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. It was a there was never a responsibility tied to one person when you look at planning and scheduling. So anybody could do the task. It was up to the supervisor to dictate who does what. Q. That was Turney? A. Yes. Q. All right. So she could have done those responsibilities A. Right. Q that she was telling you were assigned to Dan Krise? A. Yeah. Q. And when she came to you and complained that Dan Krise was getting responsibilities regarding the SAP work prep that she thought should have gone to her, what did you say?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	things that anyone could have done? A. In that group. Q. Including Jesse? A. Yeah. Q. All right. When she came to you on these on these three or four occasions and complained about these tasks going to Krise and Foreman instead of her, did you talk to Turney about that? A. I did. Q. After the third or fourth time or what? A. After the second. Q. Where did you talk to Turney? Where were you? A. In the office. Q. In person? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. It was a there was never a responsibility tied to one person when you look at planning and scheduling. So anybody could do the task. It was up to the supervisor to dictate who does what. Q. That was Turney? A. Yes. Q. All right. So she could have done those responsibilities A. Right. Q that she was telling you were assigned to Dan Krise? A. Yeah. Q. And when she came to you and complained that Dan Krise was getting responsibilities regarding the SAP work prep that she thought should have gone to her, what did you say? A. It wasn't a responsibility, it was a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	things that anyone could have done? A. In that group. Q. Including Jesse? A. Yeah. Q. All right. When she came to you on these on these three or four occasions and complained about these tasks going to Krise and Foreman instead of her, did you talk to Turney about that? A. I did. Q. After the third or fourth time or what? A. After the second. Q. Where did you talk to Turney? Where were you? A. In the office. Q. In person? A. Yes. Q. Where in the office?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. It was a there was never a responsibility tied to one person when you look at planning and scheduling. So anybody could do the task. It was up to the supervisor to dictate who does what. Q. That was Turney? A. Yes. Q. All right. So she could have done those responsibilities A. Right. Q that she was telling you were assigned to Dan Krise? A. Yeah. Q. And when she came to you and complained that Dan Krise was getting responsibilities regarding the SAP work prep that she thought should have gone to her, what did you say? A. It wasn't a responsibility, it was a task.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	things that anyone could have done? A. In that group. Q. Including Jesse? A. Yeah. Q. All right. When she came to you on these on these three or four occasions and complained about these tasks going to Krise and Foreman instead of her, did you talk to Turney about that? A. I did. Q. After the third or fourth time or what? A. After the second. Q. Where did you talk to Turney? Where were you? A. In the office. Q. In person? A. Yes. Q. Where in the office? A. In a conference room.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. It was a there was never a responsibility tied to one person when you look at planning and scheduling. So anybody could do the task. It was up to the supervisor to dictate who does what. Q. That was Turney? A. Yes. Q. All right. So she could have done those responsibilities A. Right. Q that she was telling you were assigned to Dan Krise? A. Yeah. Q. And when she came to you and complained that Dan Krise was getting responsibilities regarding the SAP work prep that she thought should have gone to her, what did you say? A. It wasn't a responsibility, it was a task. Q. And when she's complaining to you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	things that anyone could have done? A. In that group. Q. Including Jesse? A. Yeah. Q. All right. When she came to you on these on these three or four occasions and complained about these tasks going to Krise and Foreman instead of her, did you talk to Turney about that? A. I did. Q. After the third or fourth time or what? A. After the second. Q. Where did you talk to Turney? Where were you? A. In the office. Q. In person? A. Yes. Q. Where in the office? A. In a conference room. Q. Did you schedule a meeting with him

Q. What was the meeting about?

24

Barnes v. Shell Exploration & Production Company Appalachia, et al. HONDO BLAKLEY, 8/16/19 Page 137 Page 139 1 Α. It wasn't a meeting. 1 it was just trying to load level. 2 Q. What was the conversation about? 2 Did you do anything to ascertain 3 3 We had several things we were during that conversation with Turney whether he 4 conversing over, then this was one of the topics. 4 was assigning tasks to Krise and Foreman instead 5 What did you say to Turney? 5 of Jesse because he was discriminating against her 6 A. I said that Jesse was angry that Will 6 because she's a woman? 7 had given what she thought was her tasks to other 7 A. No. 8 people to do, and he listened. 8 Q. Did you even ask him that question? 9 9 I didn't. Did you tell him specifically she had Α. 10 complained to you three or four times about 10 Did you document any of the three or 11 11 four times that Jesse came to you and complained tasks -that Turney was assigning tasks to Krise and 12 MR. TUCKER: Objection. He said this 12 13 was after the second time that she spoke to 13 Foreman instead of her? 14 14 A. No. 15 15 MS. GURMANKIN: I'm not even finished Did you document that conversation 16 that you had with Will in the conference room? 16 my question. MR. TUCKER: So it couldn't have been 17 17 Α. 18 three or four times because he had the 18 Any other discussions that you had 19 19 with Turney in the conference room after the conversation after the second time. So your 20 question's assuming a fact which is contrary 20 second time that Jesse came to you? 21 to what he said the timing of his test -- of 21 Α. 22 22 his meeting was with Will. He said the Q. Did you go back to Turney after the 23 23 second time she said something he spoke to third or fourth time that Jesse came to you and 24 Will. So it couldn't have been times three 24 complained about this? Page 140 Page 138 1 or four. 1 We did have one follow-up 2 MS. GURMANKIN: Okay. Are you done? 2 conversation. I didn't -- I didn't go to him. He 3 I'm going to take that as a yes, since 3 actually came to me because he was trying to work 4 you didn't answer. 4 out -- trying to work out the load leveling stuff 5 5 BY MS. GURMANKIN: to keep those complaints from happening. 6 Did you tell Will that during that 6 Was this after the third or fourth 7 meeting in the conference room, that Jesse had 7 time that Jesse came to you? 8 complained to you that tasks were going to Krise 8 Probably the fourth. 9 and Foreman that she thought should have gone to 9 Well, had you told him that she was 10 10 continuing to complain? 11 MR. TUCKER: Objection, asked and 11 When he came to me, he asked if I had 12 12 answered. heard anything else, and I said, yes, we had had 13 13

You can answer it again.

THE WITNESS: Yes.

15 BY MS. GURMANKIN:

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Q. Did you tell him what tasks she had talked to you about?

- A. We had discussed it, yes.
- Q. What did he say?
- A. That she was busy doing some other tasks and it's a team -- we try to promote a team work environment. Just because somebody else was doing something that time, it doesn't mean he was
- 23 24 taking anything away or doing anything different,

another conversation or two. And he said he was working on trying to load level the work better to stop the complaining.

But if you -- he came to you to tell you that he was trying to do the load leveling better to stop the complaints, right?

A. Yeah. Trying to load level the work, correct.

But how would he know that the 21 22 complaints were continuing at the time that he 23 comes to you to tell you that he's working on 24 leveling the work?

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	Page 141		Page 143
1	A. He didn't know. He asked me. "Have	1	
2	you heard more?" And I said, "Yes." And he said,	2	the load leveling. Q. Where were your three to four
	"I'm still working on trying to get the work load	3	Q. Where were your three to four conversations with Jesse?
3	leveled."		
4		4	A. In a conference room. Q. Which one?
5	Q. So had he told you that during your	5 6	
6	conversation with him in the conference room after		A. The ones like an actual number?
7	the second time that Jesse complained, that that's	7	Q. Uh-huh.
8	what he was working on?	8	A. 108.
9	A. No. After the second conversation he	9	Q. All three or four conversations?
10	said he would look into it. That was my first	10	A. Yeah.
11	conversation with him.	11	Q. How long did they last?
12	Q. Right. So he told you he would look	12	A. Most times no more than five or ten
13	into that?	13	minutes.
14	A. Yup.	14	Q. Did she tell you during any of those
15	Q. Okay. You hadn't testified to that	15	three or four conversations that she thought that
16	before. Anything else that you guys discussed	16	Turney treated her differently because she's a
17	during the meeting you had with him in the	17	woman or words to that effect?
18	conference room after the second time Jesse comes	18	A. No.
19	to complain to you that you haven't already	19	Q. Did she ever tell you during those
20	testified to?	20	three to four conversations that Turney was acting
21	A. No.	21	inappropriately towards her or words to that
22	Q. So he comes to you after the fourth	22	effect?
23	after the fourth time and says that he's	23	A. No.
24	working still working out the load leveling?	24	Q. Did she ever tell you during those
	Page 142		Page 144
1	A. Yes.	1	three to four conversations that she was
2	Q. Anything else that you guys discussed	2	uncomfortable with Turney or words to that effect?
3	during that conversation?	3	A. No.
4	A. No.	4	Q. Anything else you recall about those
5	Q. Where is that meeting?	5	three or four conversations that Jesse had with
6	A. Same conference room.	6	you other than what you testified to?
7	Q. Did you document your conversations	7	A. I was providing coaching because she
8	with Turney about this?	8	was angry. So I was trying to help her.
9	A. No.	9	Q. Was she angry during all three to four
10	Q. Did you tell anyone at the company at	10	conversations?
11	the time about your conversations with Jesse about	11	A. Yeah.
12	this?	12	Q. How did that show?
13	A. No.	13	A. Raised voice.
14	Q. Other than Turney?	14	Q. Anything else?
15	A. Correct.	15	A. The fact that she said she was.
16	Q. Did you tell anyone at the company	16	Q. She said, "I'm angry"?
17	about your conversations with Turney?	17	A. (Witness nods head.)
18	A. Other than Jesse, no.	18	Q. Yes?
19	Q. So you told Jesse that you spoke with	19	A. Yeah.
	Turney about it?	20	Q. During all three to four
20		1 01	conversations?
	A. I did.	21	conversations:
20	A. I did.Q. And what did she say?	22	A. Two of them at least.
20 21			
20 21 22	Q. And what did she say?	22	A. Two of them at least.

Barnes v.	Shell Exploration & Production Company Appalachia, et al.		HONDO BLAKLEY, 8/16/1
	Page 145		Page 147
1	Q. Any reason why you didn't testify to	1	A. I don't understand the question.
2	that before when I asked you to tell me everything	2	You're saying prior to the
3	about those conversations?	3	Q. Prior to your 12/7/2016 interview with
4	A. No.	4	Kloosterman
5	Q. Anything else you omitted?	5	A. Yup.
6	A. No.	6	Q did Jesse ever tell you that Turney
7	Q. When you say she raised her voice, was	7	acted in ways that she thought were inappropriate
8	she yelling?	8	or made her uncomfortable?
9	A. I wouldn't say yell, just loud talk.	9	A. No. It was it no.
10	Q. During all three to four?	10	MR. TUCKER: Do you want to say
11	MR. TUCKER: He said two of them, the	11	something?
12	second and third.	12	THE WITNESS: Well, it sounds like
13	BY MS. GURMANKIN:	13	MR. TUCKER: Was it responsive to
14	Q. Actually, I thought you said she said	14	her is it responsive to her question?
15	I'm angry during the second and third	15	THE WITNESS: Yeah. It just sounds
16	conversations; is that right?	16	like it's it was said in the interview and
17	A. Yes.	17	I didn't say it in the interview either. So
18	Q. Okay. Was she	18	I never said that.
19	A. That was the loud voice as well, the	19	BY MS. GURMANKIN:
20	second and third.	20	Q. You never said what?
21	Q. All right. Did she raise her voice at	21	A. What you just asked me. Prior to
22	all during the first and possibly fourth	22	the repeat your question.
23	conversation?	23	Q. Well, explain to me what you're
24	A. Not that I recall.	24	saying. Prior to the interview what? You didn't
	Page 146		Page 148
1	Q. Was it raised to the extent that you	1	say what?
2	had to tell her to lower her voice or be quiet or	2	A. That I was never approached about any
3	something like that?	3	of those things that you just said.
4	A. No.	4	Q. Prior to the interview with
5	Q. Did she do anything that you thought	5	Kloosterman, Jesse never came to you and told you
6	was inappropriate during these three to four	6	that Turney had sexually harassed her; is that
7	conversations?	7	correct?
8	A. No.	8	A. Correct.
9	Q. Other than saying I'm angry and	9	Q. Prior to the interview with
10	raising her voice, anything else she did that led	10	Kloosterman, Jesse never came to you and told you
11	you to conclude that she was angry?	11	that Turney did anything inappropriate or anything
12	A. No.	12	that made her uncomfortable, correct?
13	Q. At any time before your 12/7/2016	13	A. Correct.
14	interview with Megan Kloosterman, did Jesse tell	14	Q. Prior to the interview with
		1	

or words to that effect? A. No. Q. Did she ever tell you, prior to the 12/7/2016 interview with Kloosterman, that he sexually harassed her?

you that Turney acted inappropriately towards her

A. No.

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Ever tell you, prior to that 12/7/2016 Q. interview with Kloosterman, that Turney did anything inappropriate towards her?

Q. Prior to the interview with Kloosterman, did Jesse ever complain to you about anything regarding Turney other than the fact that

he was assigning tasks to Krise and Foreman that she thought should have been assigned to her?

19 It was all around the work. It was 20 around the work, the SAP, that kind of stuff.

> Well, did she complain to you that Turney did anything other than assign tasks to Krise and Foreman that she thought should have gone to her? Did she make any other complaints to

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	Page 149		Page 151
1	you prior to your interview with Kloosterman about	1	Q. Yes?
2	Turney?	2	A. Yes.
3	A. No.	3	Q. With whom?
4	Q. Did she complain to you about anything	4	A. With Will Turney.
5	other than that Turney was assigning work to Krise	5	Q. Okay. Anyone else?
6	and Foreman that she thought should have gone to	6	A. No.
7	her prior to your interview with Kloosterman?	7	Q. When did she start complaining to you
8	A. She complained outside of those	8	about communication issues with Turney?
9	meetings about them not being able to communicate	9	A. Around that same time.
10	well.	10	Q. Spring of 2016?
11	Q. All right. So we're talking outside	11	A. Yeah.
12	of those three to four conversations that she had	12	Q. About how many times did she complain
13	with you that we just talked about, correct?	13	to you about that?
14	A. Yup.	14	A. One or two times.
15	MR. TUCKER: Okay. No one go	15	Q. Any documentation that you made
16	anywhere. Take a break.	16	regarding those conversations?
17	VIDEOGRAPHER: This concludes file	17	A. No.
18	number two in the videotaped deposition of	18	Q. What did she complain to you about
19	Hondo Blakley in the case of Jesse Barnes v.	19	communication issues with Turney?
20	Shell, et al.	20	A. Not understanding what was requested.
21	We are going off the record as 11:37	21	Q. What did she say about that?
22	a.m.	22	A. "I don't know what he wants all the
23		23	time. I don't understand the direction."
24	(Whereupon, a recess was taken from	24	Q. Anything else that she said during
	Page 150		Page 152
1	11:37 a.m. until 11:46 a.m.)	1	these one to two times?
1 2	11:37 a.m. until 11:46 a.m.)	1 2	
	11:37 a.m. until 11:46 a.m.) VIDEOGRAPHER: This begins file number		these one to two times?
2		2	these one to two times? A. No.
2	VIDEOGRAPHER: This begins file number	2	these one to two times? A. No. Q. And what did you say?
2 3 4	VIDEOGRAPHER: This begins file number three in the videotaped deposition of Hondo	2 3 4	these one to two times? A. No. Q. And what did you say? A. I just gave her some coaching on
2 3 4 5	VIDEOGRAPHER: This begins file number three in the videotaped deposition of Hondo Blakley in the matter of Jesse Barnes v.	2 3 4 5	these one to two times? A. No. Q. And what did you say? A. I just gave her some coaching on questions to ask just to make sure the direction
2 3 4 5 6	VIDEOGRAPHER: This begins file number three in the videotaped deposition of Hondo Blakley in the matter of Jesse Barnes v. Shell, et al.	2 3 4 5 6	these one to two times? A. No. Q. And what did you say? A. I just gave her some coaching on questions to ask just to make sure the direction was clear on what the whatever task it was
2 3 4 5 6 7	VIDEOGRAPHER: This begins file number three in the videotaped deposition of Hondo Blakley in the matter of Jesse Barnes v. Shell, et al. We are going on the record at 11:46	2 3 4 5 6 7	these one to two times? A. No. Q. And what did you say? A. I just gave her some coaching on questions to ask just to make sure the direction was clear on what the whatever task it was that that needed to be done.
2 3 4 5 6 7 8	VIDEOGRAPHER: This begins file number three in the videotaped deposition of Hondo Blakley in the matter of Jesse Barnes v. Shell, et al. We are going on the record at 11:46 a.m.	2 3 4 5 6 7 8	these one to two times? A. No. Q. And what did you say? A. I just gave her some coaching on questions to ask just to make sure the direction was clear on what the whatever task it was that that needed to be done. Q. So you basically said something to the
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	VIDEOGRAPHER: This begins file number three in the videotaped deposition of Hondo Blakley in the matter of Jesse Barnes v. Shell, et al. We are going on the record at 11:46 a.m. BY MS. GURMANKIN: Q. These three to four conversations that started in the spring of 2016 that Jesse had with you complaining about tasks that were being assigned to Krise and Foreman that she thought should have been assigned to her, did you believe that that indicated some sort of performance deficiency on her part? A. No. Q. All right. So aside from those three to four conversations, you also testified that she complained to you about them not communicating well. A. There were communication issues. Q. That she was complaining to you about?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	these one to two times? A. No. Q. And what did you say? A. I just gave her some coaching on questions to ask just to make sure the direction was clear on what the whatever task it was that that needed to be done. Q. So you basically said something to the effect of, you need to ask him for clear instructions so you're sure about what he wants or what needs to be done? A. Yup. Q. Anything else? A. And ask clarifying questions. Q. Okay. Anything else that you would say? A. There were occasions where she would complain to me about issues in her personal life as well. Q. Are is that part of the one to two times where she complained to you about communication issues with Turney or are they separate?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	VIDEOGRAPHER: This begins file number three in the videotaped deposition of Hondo Blakley in the matter of Jesse Barnes v. Shell, et al. We are going on the record at 11:46 a.m. BY MS. GURMANKIN: Q. These three to four conversations that started in the spring of 2016 that Jesse had with you complaining about tasks that were being assigned to Krise and Foreman that she thought should have been assigned to her, did you believe that that indicated some sort of performance deficiency on her part? A. No. Q. All right. So aside from those three to four conversations, you also testified that she complained to you about them not communicating well. A. There were communication issues.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	these one to two times? A. No. Q. And what did you say? A. I just gave her some coaching on questions to ask just to make sure the direction was clear on what the whatever task it was that that needed to be done. Q. So you basically said something to the effect of, you need to ask him for clear instructions so you're sure about what he wants or what needs to be done? A. Yup. Q. Anything else? A. And ask clarifying questions. Q. Okay. Anything else that you would say? A. There were occasions where she would complain to me about issues in her personal life as well. Q. Are is that part of the one to two times where she complained to you about communication issues with Turney or are they

	Page 153	Page 155
1	conversation.	1 boyfriends that she complained about at one
2	Q. Okay. I just want to make sure we've	2 point or another, yes.
3	covered everything that she said and you said	3 BY MS. GURMANKIN:
4	about communication issues with Turney during	4 Q. All right. And this conversation that
5	those one to two times where she complained to you	5 followed the conversation about the communication
6	about that. Have you told me everything?	6 issues with Turney and she said that she's not
7	A. Yes.	7 getting along with her current boyfriend, did she
8	Q. All right. And during those one	8 tell you why?
9	during one of those occasions in which she	9 A. There wasn't great detail, but high
10	complained to you about communication issues with	level she they had differences in opinions on
11	Turney, she talked to you about personal issues?	11 stuff.
12	A. She was having an issue with a	12 Q. Did she tell you what stuff?
13	boyfriend at one time.	13 A. No.
14	Q. Okay. And was it during those	14 Q. Did you ask?
15	during one of those one to two times where she	15 A. No.
16	talked to you about communication issues with	16 Q. So did you say anything in response to
17	Turney that she talked to you about issues she was	her saying during this conversation we're talking
18	having with her boyfriend?	about that she's not getting along with her
19	A. Yeah. It was a follow-up	boyfriend at the time, they have differences of
20	conversation.	20 opinion?
21	Q. It was separate from those one or two?	A. I hoped she was able to work it out.
22	A. Same time. Moved on from one	22 Q. Anything else?
23	conversation to another.	23 A. No, not not
24	Q. Okay. So it was the same	24 Q. Did she
		Page 156
1	conversation?	1 A. Not
2	A. Right.	2 Q. Did she say anything else during that
3	Q. What did she talk to you about the	3 conversation about her boyfriend issues?
4	personal issue?	4 A. No.
5	A. She didn't like her boyfriend.	5 Q. And there were other times where she
6	Q. So you done she talks to you about	6 spoke with you about other boyfriends?
7	communication issues with Turney and then she goes	7 A. At my desk. There was a boyfriend
8	on to say she doesn't like her boyfriend?	8 that had kids, and I don't know his name. He had
9	A. After we talked about the	9 a couple kids that she liked, but was not getting
10	communication, I said, "Everything else going	10 along with him as well.
11	good?" And she said that's when she referenced	11 Q. All right. So this is a conversation
12	that she was having issues with her boyfriend.	that she's having with you at your desk?
13	Q. Did she say, "I don't like my	13 A. Yes.
14	Q. Did sile say, I don't like my	
	boyfriend"?	14 Q. This is separate from the one
15	boyfriend"? A. They were not getting along.	Q. This is separate from the one following the conversation in which she's talking
15 16	boyfriend"?	·
	boyfriend"? A. They were not getting along.	following the conversation in which she's talking to you about communication issues with Turney? A. Correct.
16	boyfriend"? A. They were not getting along. Q. Did she tell you her boyfriend's name?	following the conversation in which she's talking to you about communication issues with Turney?
16 17	boyfriend"? A. They were not getting along. Q. Did she tell you her boyfriend's name? A. No, I don't know which one recall	following the conversation in which she's talking to you about communication issues with Turney? A. Correct.
16 17 18	boyfriend"? A. They were not getting along. Q. Did she tell you her boyfriend's name? A. No, I don't know which one recall which one was it. Q. Did she talk to you about more than one?	following the conversation in which she's talking to you about communication issues with Turney? A. Correct. Q. When is this conversation she's having with you at your desk? A. It was earlier in 2016.
16 17 18 19	boyfriend"? A. They were not getting along. Q. Did she tell you her boyfriend's name? A. No, I don't know which one recall which one was it. Q. Did she talk to you about more than	following the conversation in which she's talking to you about communication issues with Turney? A. Correct. Q. When is this conversation she's having with you at your desk?
16 17 18 19 20	boyfriend"? A. They were not getting along. Q. Did she tell you her boyfriend's name? A. No, I don't know which one recall which one was it. Q. Did she talk to you about more than one? MR. TUCKER: On that occasion or on other occasions?	following the conversation in which she's talking to you about communication issues with Turney? A. Correct. Q. When is this conversation she's having with you at your desk? A. It was earlier in 2016. Q. Before the conversation A. Yup.
16 17 18 19 20 21 22	boyfriend"? A. They were not getting along. Q. Did she tell you her boyfriend's name? A. No, I don't know which one recall which one was it. Q. Did she talk to you about more than one? MR. TUCKER: On that occasion or on	following the conversation in which she's talking to you about communication issues with Turney? A. Correct. Q. When is this conversation she's having with you at your desk? A. It was earlier in 2016. Q. Before the conversation A. Yup. Q about the boyfriend?
16 17 18 19 20 21	boyfriend"? A. They were not getting along. Q. Did she tell you her boyfriend's name? A. No, I don't know which one recall which one was it. Q. Did she talk to you about more than one? MR. TUCKER: On that occasion or on other occasions?	following the conversation in which she's talking to you about communication issues with Turney? A. Correct. Q. When is this conversation she's having with you at your desk? A. It was earlier in 2016. Q. Before the conversation A. Yup.

Page 157 Page 159 there. 1 she told you that that boyfriend is single, how Q. Okay. So before the conversation 2 3 about the boyfriend who she's not getting along you that? 4 with? A. It was a hey-how's-it-going 5 Α. Yes. Q. How do you know they were two 6 different boyfriends? 7

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- Because one boyfriend had kids and the other one didn't.
- Q. She had told you that?
 - Α. Yup.

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- When did she tell you that the boyfriend she was complaining about around the spring of 2016 didn't have kids?
 - A. You'll have to repeat that. I didn't quite catch it all.
 - O. Sure.

At some point you knew that the boyfriend that she was complaining about when she told you she wasn't getting along with him following the conversation she had with you about the communication issues with Turney, that that boyfriend didn't have kids.

A. It was -- it was just a part of the

did that come up? Did she just walk up and tell

- conversation. Everything's good, and then you just have a standard morning conversation and it -- you talk about different things. I talk about going to school, all that kind of stuff, and then it just -- it comes up in conversation.
 - How did it come up that she was dating someone who's single who's different from the one she had previously talked to you about who had kids?
- A. She told me.
- 15 Q. She just said, I'm dating someone 16 who's single?
 - No. She said something about her boyfriend and it was different than the one with -- that had the children.
- 20 What did she say about him?
 - That it was different than the one Α. with the children.
 - Q. Did she tell you this one didn't have kids?

Page 158

conversation, single.

- Was that -- was it part of that conversation where she says they're not getting along that she told you that that boyfriend didn't have kids or was different from the boyfriend she previously complained about who had kids?
 - Α. It was different.
- She told you that in that conversation where she says they're not getting along?
 - No. It was another conversation.
- Q. Okay. So at some point before that conversation where she tells you she's not getting along with that boyfriend, she had another conversation with you about that same boyfriend where she tells you that he doesn't have kids?
 - A. Yes.
- And in that conversation where she tells you that the boyfriend didn't have kids, how did that come up? What were you guys talking about?
- It wasn't even -- or -- it wasn't a question of do you have kids or not, it was he's single.
 - All right. The conversation in which

Page 160

- Yes. Α.
- 2 What did she say about him other than 3 he's different from the one who had kids?
 - That he didn't have kids. A.
 - Was she complaining about him in that Q. conversation or just telling you that it was a different boyfriend?
 - A. In that one it was just different.
 - Q. Anything else she told you about him in that conversation?
 - No. A.
- 12 Q. Is that conversation at your desk too?
 - A. I think that one was in the hallway.
 - All right. And the one previously
 - that -- I'm sorry. Did you say that happened in like late 2015 where she complained about the boyfriend who had kids?
 - A. Yeah. '15, '16, somewhere in there.
- 19 And what was she complaining about?
 - They weren't getting along. I didn't A. get details. But she liked the kids.
 - Did she ever tell you any of her boyfriends' names?
 - A. Yeah.

	Page 161		Dago 162
	Page 161		Page 163
1	Q. What?	1	A. No.
2	A. I don't remember them.	2	Q. So do you remember how it came up that
3	Q. You don't remember. Did she tell you	3	she was dating him?
4	more than one?	4	A. I think she brought it up.
5	A. Yeah.	5	Q. Do you remember the context?
6	Q. But you don't remember any of them?	6	A. I don't recall the specific context of
7	A. Some of them I know because they work	7	that.
8	in the like Clint Slocum, he was a boyfriend.	8	Q. Okay. Other than complaining about
9	Q. Uh-huh.	9	Turney assigning tasks to Krise and Foreman that
10	A. Matt Bedridge.	10	she thought should have gone to her and
11	Q. I'm sorry. What was it?	11	complaining about communication issues with
12	A. Bedridge, I think, if I'm pronouncing	12	Turney, prior to your interview with Kloosterman
13	it right, was a boyfriend.	13	on 12/7/2016, did Jesse complain to you about
14	Q. Uh-huh.	14	anything else regarding Turney?
15	A. I remember a Duncan in a conversation	15	A. No.
16	and T. J. Hall.	16	Q. Other than those two topics and
17	Q. T. J. Hall?	17	complaining about boyfriends, did Jesse complain
18	A. Yeah. If I remember, that's about all	18	to you about anything prior to your interview with
19	of them.	19	Kloosterman on 12/7/20 16?
20	Q. Clint, was a Shell employee?	20	MR. TUCKER: Objection.
21	A. Yes.	21	You may answer.
22	Q. The same with Matt?	22	THE WITNESS: Repeat the question.
23	A. Yes.	23	BY MS. GURMANKIN:
24	Q. And did she tell you at the time that	24	Q. Sure.
	·		
	Page 162		Page 164
1	she was dating them?	1	Other than Jesse's complaints to you
2	A. Yes. Well, Clint Clint I knew. I	2	about communication issues with Turney and Turney
3	did not know about Matt until after.	3	assigning tasks to Krise and Foreman that she
4	Q. After what?	4	thought should have gone to her and complaining
5	A. After the relationship was over, I	5	about boyfriends, did Jesse make any other
6	guess. I wasn't that was earlier in the	6	complaints to you about anything prior to your
7	timing.	7	interview with Kloosterman on 12/7/2016?
8	Q. And how did you find out about it	8	A. Yes.
9	after it was over?	9	Q. What?
10	A. In a conversation.	10	A. She complained about Dan Krise.
11	Q. With her?	11	Q. When was that?
12	A. Yes.	12	A. Initially would have been around that
13	Q. Did she tell you while she was dating	13	2015, beginning of 2016. Around that same time
14	Clint that she was dating him?	14	frame.
15	A. Yes.	15	Q. How many times did she complain to you
16	Q. Did she complain about Clint when she	16	about Krise?
17	talked to you?	17	A. A couple times.
18	A. Not that I recall. Well, there after	18	Q. What about?
19	the after they broke up, she complained about	19	A. That he was stinky.
20	losing a dog.	20	Q. I'm sorry. What was it?
21	Q. To Clint?	21	A. That he was stinky.
22	A. Yup.	22	Q. Stinky?
23	Q. Did she complain about Clint while she	23	A. Stinky. Smells funny.
24	was dating him to you?	24	Q. Okay.
	damig imit to you.		··· - ····· ,

Page 167

Page 168

Page 165

- A. And he would bring in, like, leek dip.
- 2 Do you know what leek dip is?
 - Q. No.

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- A. It's an onion dip that's homemade in the country of Wellsboro. Onions grow wild. He would bring it in. She'd complained about it smelling. She complained once that she didn't even like talking to him.
- Q. Her complaint about Krise being stinky, was that in connection with him bringing the leek dip in or was that a separate issue?
- A. Separate. The leek dip -- the leek dip does smell funny.

MR. TUCKER: Let -- even though you may anticipate the question, let her complete it

BY MS. GURMANKIN:

- Q. Did she say what he smelled like separate from the leek dip issue?
- 20 A. Just that he stinks.
 - Q. Did you ask her what he smelled like?
- A. Actually, I said, "He stinks like
- what?" And she said, "Just stinks."
 - Q. Did you have anything to say about her

A. I didn't.

Q. Did you notice Krise was stinky?

A. No

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Q. Any other complaints that Jesse made to you about anything prior to your interview with Kloosterman on 12/7/2016?

- A. Not that I recall.
- Q. Her complaints to you about the
 communication issues that she was having with
 Turney, did you believe that that was indicative
 of some sort of performance deficiency on her
 part?
 - A. No, not -- I didn't. Sometimes people just have trouble communicating.
 - Q. Okay. So other than the struggles she was having with the continuous improvement lean initiative, anything else that causes you to disagree with the statement that she performed satisfactorily during her employment with Shell?
 - A. Would you repeat that one more time?
 - Q. Sure

Other than her struggles with the continuous improvement lean initiatives that you testified to earlier, any other issues with her

Page 166

- complaining about him being stinky after that?
- 2 A. I actually referred her to her
- 3 supervisor to -- if it was a -- that if it was an
- issue, that she needed to follow the chain of
- 5 command.
 - Q. Did you ask her why she was coming to you and complaining that Krise was stinky?
 - A. No.
- 9 Q. How come?
 - A. I never thought to ask that question.
- Q. Were you wondering why she was coming
- to you and complaining that Krise was stinky?
 - A. No
 - Q. I'm sorry. Did you say she didn't
- like communicating with Krise? Did she also
- complain about that, along with the leek dip and about him being stinky?
- A. No, I didn't say communicate.
- 19 Q. Okay. Any other complaints about
- Krise other than he's stinky and his leek dip
- 21 smelled?

Α.

- Q. Did you say anything to her other than
- you need to talk to your supervisor?

performance that causes you to disagree with the statement that she has performed satisfactorily during her employment with Shell?

- A. And what was that statement around?
- Q. I had asked you if you agreed with it and you said no, and you testified that you did not because she had struggles with her duties, and then you testified that she had struggles with continuous improvement lean initiatives.
 - A. Okay
- Q. Any other performance deficiencies that she had other than her struggle with continuous improvement lean initiatives that causes you to disagree with the statement that she performed satisfactorily during her employment with Shell?
- A. Nothing more.
 - Q. What position is Ricky Dake currently
- 19 in?
 - A. Operations supervisor.
- Q. Is that organizationally above the level of an environmental technician?
 - A. Yes.
 - Q. Have you heard anything about April

	Page 169		Page 171
1	Heater and Ricky Dake having a relationship?	1	started, correct?
2	A. Yes.	2	A. I don't know exactly when it started
3	Q. What have you heard about that?	3	versus when he told me.
4	A. That they have a relationship.	4	Q. Well, did you ask?
5	Q. Who did you hear that from?	5	A. No.
6	A. Ricky.	6	Q. But he came to you and told you that
7	Q. And just so we're on the same page,	7	they were already in a dating relationship?
8	we're talking about a romantic or sexual	8	A. He came to me and said that they were
9	relationship?	9	dating.
10	A. We're talking about a relationship. I	10	Q. Did you ask him any questions about
11	can't speak to how romantic.	11	it?
12	Q. A dating relationship?	12	A. I did not.
13	A. Okay. Dating relationship.	13	Q. Did you report it to anyone at the
14	Q. Right? That's what you heard?	14	company?
15	A. Yes.	15	A. Yes.
16	Q. What did Ricky tell you?	16	Q. Who?
17	A. That they've had a relationship.	17	A. His supervisor.
18	Q. What did he tell you?	18	Q. Who is that?
19	A. That's what he told me.	19	A. It was Rory Hunter.
20	Q. He said they're having a relationship?	20	Q. Rory?
21	A. That they were dating.	21	A. Yeah.
22	MR. TUCKER: Hondo, keep your hands	22	Q. This is before Ricky had a reporting
23	down.	23	relationship to you?
24	THE WITNESS: Sorry.	24	A. It was.
	,		
	Page 170		Page 172
1	BY MS. GURMANKIN:	1	Q. Did you ask Ricky why he was coming to
2	Q. Does Ricky currently have a reporting	2	you instead of his direct supervisor?
3	relationship to you?		
		3	A. He had talked to his direct
4	A. Yes.	3 4	A. He had talked to his direct
4 5			A. He had talked to his direct supervisor.
	A. Yes.	4	A. He had talked to his direct supervisor.
5	A. Yes.Q. Direct?A. Yes.	4 5	A. He had talked to his direct supervisor. Q. Rory Hunter?
5 6	A. Yes.Q. Direct?A. Yes.Q. When did he tell you that they were	4 5 6	A. He had talked to his direct supervisor. Q. Rory Hunter? A. Yes.
5 6 7	A. Yes.Q. Direct?A. Yes.	4 5 6 7	 A. He had talked to his direct supervisor. Q. Rory Hunter? A. Yes. Q. So he came to you and told you that he
5 6 7 8	A. Yes.Q. Direct?A. Yes.Q. When did he tell you that they were having a dating relationship?	4 5 6 7 8	A. He had talked to his direct supervisor. Q. Rory Hunter? A. Yes. Q. So he came to you and told you that he had already told this to his direct supervisor?
5 6 7 8 9	 A. Yes. Q. Direct? A. Yes. Q. When did he tell you that they were having a dating relationship? A. It's been over it's been over a year ago, a year and a half ago. 	4 5 6 7 8 9	A. He had talked to his direct supervisor. Q. Rory Hunter? A. Yes. Q. So he came to you and told you that he had already told this to his direct supervisor? A. Uh-huh.
5 6 7 8 9	 A. Yes. Q. Direct? A. Yes. Q. When did he tell you that they were having a dating relationship? A. It's been over it's been over a year ago, a year and a half ago. Q. He told you over a year and a half 	4 5 6 7 8 9	 A. He had talked to his direct supervisor. Q. Rory Hunter? A. Yes. Q. So he came to you and told you that he had already told this to his direct supervisor? A. Uh-huh. Q. Yes?
5 6 7 8 9 10 11	 A. Yes. Q. Direct? A. Yes. Q. When did he tell you that they were having a dating relationship? A. It's been over it's been over a year ago, a year and a half ago. 	4 5 6 7 8 9 10	A. He had talked to his direct supervisor. Q. Rory Hunter? A. Yes. Q. So he came to you and told you that he had already told this to his direct supervisor? A. Uh-huh. Q. Yes? A. Yes.
5 6 7 8 9 10 11	 A. Yes. Q. Direct? A. Yes. Q. When did he tell you that they were having a dating relationship? A. It's been over it's been over a year ago, a year and a half ago. Q. He told you over a year and a half ago? 	4 5 6 7 8 9 10 11	A. He had talked to his direct supervisor. Q. Rory Hunter? A. Yes. Q. So he came to you and told you that he had already told this to his direct supervisor? A. Uh-huh. Q. Yes? A. Yes. Q. Rory Hunter? A. Yes.
5 6 7 8 9 10 11 12 13	 A. Yes. Q. Direct? A. Yes. Q. When did he tell you that they were having a dating relationship? A. It's been over it's been over a year ago, a year and a half ago. Q. He told you over a year and a half ago? A. Yeah, probably. 	4 5 6 7 8 9 10 11 12 13	A. He had talked to his direct supervisor. Q. Rory Hunter? A. Yes. Q. So he came to you and told you that he had already told this to his direct supervisor? A. Uh-huh. Q. Yes? A. Yes. Q. Rory Hunter? A. Yes.
5 6 7 8 9 10 11 12 13 14	 A. Yes. Q. Direct? A. Yes. Q. When did he tell you that they were having a dating relationship? A. It's been over it's been over a year ago, a year and a half ago. Q. He told you over a year and a half ago? A. Yeah, probably. Q. While she was a contractor? 	4 5 6 7 8 9 10 11 12 13 14	A. He had talked to his direct supervisor. Q. Rory Hunter? A. Yes. Q. So he came to you and told you that he had already told this to his direct supervisor? A. Uh-huh. Q. Yes? A. Yes. Q. Rory Hunter? A. Yes. Q. Did you ask him why he was sharing
5 6 7 8 9 10 11 12 13 14 15	 A. Yes. Q. Direct? A. Yes. Q. When did he tell you that they were having a dating relationship? A. It's been over it's been over a year ago, a year and a half ago. Q. He told you over a year and a half ago? A. Yeah, probably. Q. While she was a contractor? A. Yes. 	4 5 6 7 8 9 10 11 12 13 14 15	A. He had talked to his direct supervisor. Q. Rory Hunter? A. Yes. Q. So he came to you and told you that he had already told this to his direct supervisor? A. Uh-huh. Q. Yes? A. Yes. Q. Rory Hunter? A. Yes. Q. Did you ask him why he was sharing this with you?
5 6 7 8 9 10 11 12 13 14 15	 A. Yes. Q. Direct? A. Yes. Q. When did he tell you that they were having a dating relationship? A. It's been over it's been over a year ago, a year and a half ago. Q. He told you over a year and a half ago? A. Yeah, probably. Q. While she was a contractor? A. Yes. Q. Do you know why he came to you and 	4 5 6 7 8 9 10 11 12 13 14 15	A. He had talked to his direct supervisor. Q. Rory Hunter? A. Yes. Q. So he came to you and told you that he had already told this to his direct supervisor? A. Uh-huh. Q. Yes? A. Yes. Q. Rory Hunter? A. Yes. Q. Did you ask him why he was sharing this with you? A. Yes.
5 6 7 8 9 10 11 12 13 14 15 16	 A. Yes. Q. Direct? A. Yes. Q. When did he tell you that they were having a dating relationship? A. It's been over it's been over a year ago, a year and a half ago. Q. He told you over a year and a half ago? A. Yeah, probably. Q. While she was a contractor? A. Yes. Q. Do you know why he came to you and told you that he was having a dating relationship 	4 5 6 7 8 9 10 11 12 13 14 15 16	A. He had talked to his direct supervisor. Q. Rory Hunter? A. Yes. Q. So he came to you and told you that he had already told this to his direct supervisor? A. Uh-huh. Q. Yes? A. Yes. Q. Rory Hunter? A. Yes. Q. Did you ask him why he was sharing this with you? A. Yes. Q. And what did he say?
5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. Direct? A. Yes. Q. When did he tell you that they were having a dating relationship? A. It's been over it's been over a year ago, a year and a half ago. Q. He told you over a year and a half ago? A. Yeah, probably. Q. While she was a contractor? A. Yes. Q. Do you know why he came to you and told you that he was having a dating relationship with her?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. He had talked to his direct supervisor. Q. Rory Hunter? A. Yes. Q. So he came to you and told you that he had already told this to his direct supervisor? A. Uh-huh. Q. Yes? A. Yes. Q. Rory Hunter? A. Yes. Q. Did you ask him why he was sharing this with you? A. Yes. Q. And what did he say? A. To be open and transparent so nobody
5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. Direct? A. Yes. Q. When did he tell you that they were having a dating relationship? A. It's been over it's been over a year ago, a year and a half ago. Q. He told you over a year and a half ago? A. Yeah, probably. Q. While she was a contractor? A. Yes. Q. Do you know why he came to you and told you that he was having a dating relationship with her? A. Transparency.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. He had talked to his direct supervisor. Q. Rory Hunter? A. Yes. Q. So he came to you and told you that he had already told this to his direct supervisor? A. Uh-huh. Q. Yes? A. Yes. Q. Rory Hunter? A. Yes. Q. Did you ask him why he was sharing this with you? A. Yes. Q. And what did he say? A. To be open and transparent so nobody thought there was anything going on.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. Direct? A. Yes. Q. When did he tell you that they were having a dating relationship? A. It's been over it's been over a year ago, a year and a half ago. Q. He told you over a year and a half ago? A. Yeah, probably. Q. While she was a contractor? A. Yes. Q. Do you know why he came to you and told you that he was having a dating relationship with her? A. Transparency. Q. Is that what he said?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. He had talked to his direct supervisor. Q. Rory Hunter? A. Yes. Q. So he came to you and told you that he had already told this to his direct supervisor? A. Uh-huh. Q. Yes? A. Yes. Q. Rory Hunter? A. Yes. Q. Did you ask him why he was sharing this with you? A. Yes. Q. And what did he say? A. To be open and transparent so nobody thought there was anything going on. Q. Did he have any reporting relationship
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. Direct? A. Yes. Q. When did he tell you that they were having a dating relationship? A. It's been over it's been over a year ago, a year and a half ago. Q. He told you over a year and a half ago? A. Yeah, probably. Q. While she was a contractor? A. Yes. Q. Do you know why he came to you and told you that he was having a dating relationship with her? A. Transparency. Q. Is that what he said? A. He just wanted to make sure that there	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. He had talked to his direct supervisor. Q. Rory Hunter? A. Yes. Q. So he came to you and told you that he had already told this to his direct supervisor? A. Uh-huh. Q. Yes? A. Yes. Q. Rory Hunter? A. Yes. Q. Did you ask him why he was sharing this with you? A. Yes. Q. And what did he say? A. To be open and transparent so nobody thought there was anything going on. Q. Did he have any reporting relationship to you at the time that he told you?
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. Direct? A. Yes. Q. When did he tell you that they were having a dating relationship? A. It's been over it's been over a year ago, a year and a half ago. Q. He told you over a year and a half ago? A. Yeah, probably. Q. While she was a contractor? A. Yes. Q. Do you know why he came to you and told you that he was having a dating relationship with her? A. Transparency. Q. Is that what he said? A. He just wanted to make sure that there were no includes, you know, perceived secrets or	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. He had talked to his direct supervisor. Q. Rory Hunter? A. Yes. Q. So he came to you and told you that he had already told this to his direct supervisor? A. Uh-huh. Q. Yes? A. Yes. Q. Rory Hunter? A. Yes. Q. Did you ask him why he was sharing this with you? A. Yes. Q. And what did he say? A. To be open and transparent so nobody thought there was anything going on. Q. Did he have any reporting relationship to you at the time that he told you? A. No.

	Page 173		Page 175
1	A. I did.	1	anyone at the company about it?
2	Q. What did he say?	2	A. No. Not that I recollect.
3	A. To be open and transparent, to make	3	Q. When Heater was hired into a full-time
4	sure everybody knew there was nothing there was	4	position earlier this year, you had conversations
5	no secrets.	5	with HR about her being hired into a full-time
6	Q. To your knowledge, did he tell	6	position, correct?
7	everybody?	7	A. Yes.
8	A. I don't I don't know.	8	Q. And who in HR did you talk to?
9	Q. Did he tell anyone other than you and	9	A. Oh, I cannot remember her name. It
10	Rory Hunter to your knowledge?	10	was a hiring manager, but I can't remember her
11	A. I don't know.	11	name.
12	Q. So if he told you that he had already	12	Q. Okay. If it comes to you later, let
13	told Rory Hunter, why did you report it to Rory	13	me know. Okay?
14	Hunter?	14	A. Yup.
15	A. I didn't. I asked him if he had and	15	Q. Did you tell that person that you were
16	he said yes.	16	aware that April had been having a relationship
17	Q. Well, you said you told Rory Hunter.	17	with an operations supervisor?
18	A. No. I said, "Did you tell Rory?"	18	A. No.
19	That was my question to him. "Did you tell Rory?"	19	Q. How come?
20	He said, "Yes."	20	A. I don't have a I just didn't. I
21	Q. My question to you was did you tell	21	didn't think it was pertinent.
22	anyone at the company?	22	Q. It wasn't important to be open and
23	A. I talked to my supervisor.	23	transparent in your conversations with the HR
24	Q. Who is that?	24	hiring manager?
	Page 174		Page 176
1	A. Steve Craig.	1	MR. TUCKER: Objection.
2	Q. Why?	2	BY MS. GURMANKIN:
3	A. To make sure he knew.	3	Q. You can answer.
4	Q. Why did you want to make sure Craig	4	MR. TUCKER: You may answer.
5	knew?	5	THE WITNESS: No. I didn't believe
6	A. To be open and transparent. If	6	SO.
7	there's, you know, a relationship in the in	7	BY MS. GURMANKIN:
8	that area, it's good that everybody's aware of it.	8	Q. I'm sorry?
9	Q. If Ricky didn't have any reporting	9	A. No.
10	relationship to you at the time, then why did you	10	Q. Who hired Jesse into a full-time
11	feel the need to tell your supervisor?	11	position with Shell?
12	A. Because as the process improvement	12	A. Will Turney.
13	lead, I was not going to get a question as to did	13	Q. Anyone else involved or just Turney?
14	you know this and why didn't I say anything? It's	14	MR. TUCKER: Move your hands away from
15	always best to be open and transparent.	15	your mouth.
16	Q. So this was before your promotion to	16	THE WITNESS: Will Turney was the
17	production superintendent?	17	hiring manager.
18	A. Yeah.	18	BY MS. GURMANKIN:
19	Q. And when you told Steve Craig about	19	Q. So was anyone else involved or he was
20	it, did he indicate that he already knew?	20	the decision maker?
21	A. He did not indicate either way.	21	A. He was the decision maker.
22	Q. Did he say anything to you?	22	Q. Okay. The sole decision maker?
23	A. Thanks for telling him.	23	A. HR would have been involved in the
24	Q. Any other conversations you had with	24	decision.

	Page 177		Page 179
1	Q. Was HR involved in the decision?	1	Q. Is your answer yes?
2	A. Yeah.	2	MR. TUCKER: Or he sticks by his
3	Q. Who?	3	question.
4	A. I don't know. I was not involved.	4	MS. GURMANKIN: Joe, please stop
5	Q. Okay.	5	testifying.
6	MR. TUCKER: Well, then are you	6	MR. TUCKER: I'm not testifying.
7	guessing?	7	BY MS. GURMANKIN:
8	THE WITNESS: Yeah. I don't know who	8	Q. Is your answer yes, Mr. Blakley?
9	was involved.	9	Please answer the question.
10	MR. TUCKER: Let's do this. Let's	10	MR. TUCKER: You can answer the
11	testify about what you know, not speculate or	11	question if you stick by your prior answer if
12	guess. Okay?	12	you want or have her read back.
13	BY MS. GURMANKIN:	13	BY MS. GURMANKIN:
14	Q. Do you know if anyone other than	14	Q. No. Please answer the question.
15	Turney was involved in the decision to hire Jesse	15	MR. TUCKER: If you want it read back
16	into a full-time position at Shell?	16	because you can't recall the question, you
17	A. I don't know.	17	can have the question the prior question
18	Q. But you were not, correct?	18	read back.
19	A. Correct.	19	BY MS. GURMANKIN:
20	Q. Did you interview Jesse before she was	20	Q. Do you need the question read back?
21	hired into a full-time position?	21	A. Please.
22	A. Yes.	22	MR. TUCKER: And his prior answer
23	Q. If you weren't involved in the	23	also.
24	decision to hire her, why did you interview her?	24	BY MS. GURMANKIN:
	Page 178		Page 180
1	Page 178 A. To be part of the interview team.	1	Page 180 Q. Generally
1 2		1 2	
	A. To be part of the interview team.		Q. Generally
2	A. To be part of the interview team.Q. Why, if you were not involved in the	2	Q. Generally MR. TUCKER: I'm going to I asked
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	Page 181		Page 183
1	Q. Generally, based on your experience at	1	(Whereupon, the court reporter read
2	Shell, if people if multiple people are on the	2	from the record.)
3	interview board for a particular position, do all	3	
4	of those individuals are all of those	4	BY MS. GURMANKIN:
5	individuals involved in the decision to hire?	5	Q. So aside from providing input, are
6	Please answer the question.	6	people on the interview board also involved in the
7	MR. TUCKER: Do you recall your prior	7	decision to hire based on your experience at
8	answer?	8	Shell?
9	MS. GURMANKIN: Are you really are	9	A. They provide input on who is the best
10	you really you're interfering with my	10	person for the job.
11	questioning.	11	Q. So does that mean they also get
12	MR. TUCKER: I'm not interfering with	12	involved in the decision by providing input?
13	questioning.	13	A. It depends on the level of what you're
14	MS. GURMANKIN: You are.	14	referring to as decision.
15	MR. TUCKER: He asked for the question	15	Q. I don't understand that answer. Can
16	to be read. You read it back.	16	you explain it?
17	MS. GURMANKIN: I'm repeating the	17	A. So if you provide input, then there's
18	question now.	18	a certain level that you're involved in with the
19	MR. TUCKER: You are not the court	19	decision.
20	reporter. He asked for the court reporter to	20	Q. Okay.
21	read his prior question and answer back. Why	21	A. On who you think is the best person
22	you're trying to trick or trap him is just	22	for the job.
23	MS. GURMANKIN: Why are you trying to	23	Q. Right. So you provided input on the
24	coach him?	24	decision to hire Jesse into a full-time position
	T 100		
	Page 182		Page 184
1	MR. TUCKER: I'm just trying to get	1	Page 184 with Shell, correct?
1 2		1 2	
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2	MR. TUCKER: I'm just trying to get his question and answer read back and he said	2	with Shell, correct? A. Yes.
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	Shell Exploration & Production Company Appaiacina, et al.		HUNDU BLAKLET, 0/10/19
	Page 185		Page 187
1	Turney decided to hire Jesse into a full-time	1	Q. Just one person?
2	position with Shell?	2	A. I don't know. I don't recall.
3	MR. TUCKER: Objection. That is a	3	Q. And how do you know he interviewed at
4	mischaracterization of his testimony.	4	least someone else?
5	MS. GURMANKIN: You can object to	5	A. Because there were some other possible
6	form.	6	interviews schedules. I don't know who it was.
7	MR. TUCKER: I'm objection, you	7	Q. How do you know they were scheduled?
8	have mischaracterized his testimony.	8	A. Because I remember him telling me they
9	BY MS. GURMANKIN:	9	were scheduled.
10	Q. Please answer the question, Mr.	10	Q. One or more than one?
11	Blakley.	11	A. I don't know.
12	MR. TUCKER: Do you want the question	12	Q. You don't remember?
13	read back?	13	A. Nope.
14	THE WITNESS: Please.	14	MR. TUCKER: Let's take a two-minute
15 16	BY MS. GURMANKIN:	15	break.
16	Q. Did you not understand it?	16	MS. GURMANKIN: Uh-huh.
17	A. I would like to be more clear.	17 18	MR. TUCKER: Please don't go anywhere. VIDEOGRAPHER: We are now going off
18 19	Q. Did you understand my question?A. No. Please redo it.	19	the record. The time on the camera, 12:21
20	Q. Sure.	20	p.m.
21	MS. GURMANKIN: Do you mind, Nancy.	21	p.iii.
22		22	(Whereupon, a luncheon recess was
23	(Whereupon, the court reporter read	23	taken from 12:21 p.m. until 1:07 p.m.)
24	from the record.)	24	
	nom no rosord.		
	Page 186		Page 188
1		1	VIDEOGRAPHER: We are now back on the
2	MS. GURMANKIN: Thank you.	2	record. The time on the camera, 1:07 p.m.
3	THE WITNESS: As a contractor, she was	3	BY MS. GURMANKIN:
4	performing the role and I already understood	4	Q. The struggles that you testified that
5	the general rules and responsibilities.	5	Jesse had regarding the continuous improvement
6	BY MS. GURMANKIN:	6	lean initiatives, did you document in any way that
7	Q. Was that you already understood the	7	you thought that she struggled with that or
8	general rules and responsibilities or she did?	8	somehow wasn't fulfilling her duties with regard
9	A. She did.	9	to those initiatives?
10	Q. Okay. Any other reasons?	10	A. No.
11	A. And was the most qualified out of the	11	Q. Has anyone else, other than Jesse,
12	candidates.	12	complained to you about Will Turney?
13	Q. Did you guys interview anyone else?	13	A. No.
14	A. There were other interviews.	14	Q. How about Dan Krise? Anyone other
15	Q. This is for the maintenance analyst	15	than Jesse complain about Dan?
16	position at Wellsboro that she was hired into?	16	A. Nope.
17	A. Yeah.	17	(IA/haraupan Euhikit Course maniland fari
18	Q. Who else did you interview?	18	(Whereupon, Exhibit 6 was marked for
19	A. I did not interview anybody else.	19	identification by Ms. Gurmankin.)
20	Q. Did Turney interview anyone else, to	20	PV MC CHDMANIZIN
21	your knowledge?	21 22	BY MS. GURMANKIN:
22	A. Yes. Q. Who?	22	Q. All right. You should have on the
23 24		24	screen in front of you what's been marked as Exhibit 6, Shell 87 through 111.
24	A. I don't know who it was.	² *	Exhibit 0, Ohell of thought 111.

	Page 189		Page 191
1		1	
1 2	This appears to be an assessment that you filled out for Jesse, if you look at the	1 2	
3	second page, on March around March 23, 2015; is	3	Q. Okay. Do you remember what parts you filled out during the time you were actually
4	that correct?	4	meeting with her and what parts you filled out
5	A. Yes.	5	after?
6	Q. And this says Individual Performer,	6	
7	Final Assessment Interview?	7	A. Not that much detail. Mostly note taking.
8	A. It does.	8	•
9	Q. What is that?	9	Q. Did you and Turney interview her together or separately?
10	A. It was the interview for the	10	A. We interviewed her together.
11	maintenance analyst role.	11	Q. Do you remember about how long it
12	Q. The position that she got full time?	12	took?
13	A. Yes.	13	
14	Q. Was this part of the interview	14	A. Approximately an hour.Q. Can you turn to page 13? Bates Number
15	process?	15	is 99.
16	A. It is.	16	
17	Q. Are these filled out, based on your	17	A. Okay. Page 13. Q. Yeah. It say Functional Competency at
18	experience at Shell, for anyone who's applying for	18	the top.
19	a full-time position at Shell?	19	A. Yeah.
20	A. Yes.	20	Q. What are these?
21	Q. How about people who are already	21	A. Functional competencies are
22	employed at Shell but are applying for an	22	competencies that have to do with the job itself.
23	interview, are these filled out for those	23	Q. Okay. So there are check marks that
24	individuals?	24	you made, correct, on this page?
	marriadaio.		you made, contest, on this page:
	Page 190		Page 192
1	A. Yes.	1	A. Uh-huh. Correct.
2	 Q. Any exceptions that you know of to 	2	Q. Okay. And they're all under the meets
3	this Individual Performer, Final Assessment	3	expectations category, right?
4	Interview being required to be completed for	4	A. Yes.
5	people applying for positions or applying for	5	Q. All right. So am I correct that for
6	promotions?	6	all of the functional competencies on this page,
7	A. I'm not aware of any.	7	you thought that Jesse met expectations?
8	Q. Can you just skim through this? I	8	A. We so if you look underneath that
9	want to know if that's your handwriting throughout	9	meets expectations.
10	the entire document.	10	Q. Uh-huh.
11		11	A. Most of the band three, acceptable
12	(Pause)	12	level for the job with so scope development. So
13		13	the basic expectations for the maintenance analyst
14	A. Yes.	14	role, yes, but there was room for development,
	Q. Okay.	15	room for growth.
15	•		
16	MR. TUCKER: You looked at all the	16	Q. All right. So, for example, if you
16 17	MR. TUCKER: You looked at all the pages?	17	look at the first one, "Shows a solid
16 17 18	MR. TUCKER: You looked at all the pages? THE WITNESS: (Witness nods head.)	17 18	look at the first one, "Shows a solid understanding of some the more complex
16 17 18 19	MR. TUCKER: You looked at all the pages? THE WITNESS: (Witness nods head.) BY MS. GURMANKIN:	17 18 19	look at the first one, "Shows a solid understanding of some the more complex technical/functional theories, models and/or
16 17 18 19 20	MR. TUCKER: You looked at all the pages? THE WITNESS: (Witness nods head.) BY MS. GURMANKIN: Q. Was that yes?	17 18 19 20	look at the first one, "Shows a solid understanding of some the more complex technical/functional theories, models and/or concepts."
16 17 18 19 20 21	MR. TUCKER: You looked at all the pages? THE WITNESS: (Witness nods head.) BY MS. GURMANKIN: Q. Was that yes? A. Yes.	17 18 19 20 21	look at the first one, "Shows a solid understanding of some the more complex technical/functional theories, models and/or concepts." Do you see that one?
16 17 18 19 20 21 22	MR. TUCKER: You looked at all the pages? THE WITNESS: (Witness nods head.) BY MS. GURMANKIN: Q. Was that yes? A. Yes. Q. And is this something that you filled	17 18 19 20 21 22	look at the first one, "Shows a solid understanding of some the more complex technical/functional theories, models and/or concepts." Do you see that one? A. I do.
16 17 18 19 20 21 22 23	MR. TUCKER: You looked at all the pages? THE WITNESS: (Witness nods head.) BY MS. GURMANKIN: Q. Was that yes? A. Yes. Q. And is this something that you filled out while you were interviewing Jesse or	17 18 19 20 21 22 23	look at the first one, "Shows a solid understanding of some the more complex technical/functional theories, models and/or concepts." Do you see that one? A. I do. Q. All right. And there you put a check
16 17 18 19 20 21	MR. TUCKER: You looked at all the pages? THE WITNESS: (Witness nods head.) BY MS. GURMANKIN: Q. Was that yes? A. Yes. Q. And is this something that you filled	17 18 19 20 21 22	look at the first one, "Shows a solid understanding of some the more complex technical/functional theories, models and/or concepts." Do you see that one? A. I do.

	Page 193		Page 195
1	A. Uh-huh.	1	about own profession and shows motivation to
2	Q. Yes?	2	develop professionally."
3	MR. TUCKER: You have to say.	3	You gave her a four. So she fell
4	BY MS. GURMANKIN:	4	between meets expectations and exceeds
5	Q. You just have to say yes for the	5	expectations on that one, correct?
6	record.	6	A. Yes.
7	A. That's correct.	7	Q. The next one, "Demonstrates eagerness
8	Q. Okay. And it looks like that	8	to keep up to date with the latest developments in
9	indicates at the bottom that you thought she fell	9	own professional area."
10	between meets expectations and exceeds	10	You also gave her a four on that one,
11	expectations on that competency; is that correct?	11	correct?
12	A. Yes.	12	A. Yes.
13	Q. The next one, "Provides clear evidence	13	Q. Next page.
14	on how she applies functional skills consistently	14	Actually, sorry. If we go back to
15	and effectively."	15	page 13 for a second. I apologize.
16	Did you check the three box for that	16	See at the bottom it says, "Overall
17	one?	17	functional competency."
18	A. I did.	18	A. Uh-huh.
19	Q. Indicating that you felt she met	19	Q. "Please circle one box." Do you see
20	expectations for that, correct?	20	that?
21	A. Yes.	21	A. Yeah.
22	Q. The next one, "Shows commitment to	22	Q. You gave you circled four on that
23	best practices."	23	one, right?
24	You felt she fell between meets	24	A. I did.
	Dago 104		Page 196
	Page 194		Page 190 I
1	expectations and exceeds expectations. You gave	1	Q. All right. So does that indicate that
2	her a four or that, correct?	2	Q. All right. So does that indicate that your overall assessment for the functional
2	her a four or that, correct? A. Correct.	2	Q. All right. So does that indicate that your overall assessment for the functional competencies on this page, that you thought she
2 3 4	her a four or that, correct? A. Correct. Q. Next one, "Is able to communication	2 3 4	Q. All right. So does that indicate that your overall assessment for the functional competencies on this page, that you thought she fell between meets expectations and exceeds
2 3 4 5	her a four or that, correct? A. Correct. Q. Next one, "Is able to communication complex technical or functional information in	2 3 4 5	Q. All right. So does that indicate that your overall assessment for the functional competencies on this page, that you thought she fell between meets expectations and exceeds expectations?
2 3 4 5 6	her a four or that, correct? A. Correct. Q. Next one, "Is able to communication complex technical or functional information in simple terms for people from different	2 3 4 5 6	Q. All right. So does that indicate that your overall assessment for the functional competencies on this page, that you thought she fell between meets expectations and exceeds expectations? A. Overall.
2 3 4 5 6 7	her a four or that, correct? A. Correct. Q. Next one, "Is able to communication complex technical or functional information in simple terms for people from different professional backgrounds."	2 3 4 5 6 7	Q. All right. So does that indicate that your overall assessment for the functional competencies on this page, that you thought she fell between meets expectations and exceeds expectations? A. Overall. Q. All right. Page 14.
2 3 4 5 6 7 8	her a four or that, correct? A. Correct. Q. Next one, "Is able to communication complex technical or functional information in simple terms for people from different professional backgrounds." You thought she met expectations on	2 3 4 5 6 7 8	 Q. All right. So does that indicate that your overall assessment for the functional competencies on this page, that you thought she fell between meets expectations and exceeds expectations? A. Overall. Q. All right. Page 14. How does this differ from the page
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2 3 4 5 6 7 8 9 10 11 12 13	her a four or that, correct? A. Correct. Q. Next one, "Is able to communication complex technical or functional information in simple terms for people from different professional backgrounds." You thought she met expectations on that one, correct? A. Correct. Q. Next one, "Cleary describes the impact and potential impact of her functional expertise on the wider business."	2 3 4 5 6 7 8 9 10 11 12 13	Q. All right. So does that indicate that your overall assessment for the functional competencies on this page, that you thought she fell between meets expectations and exceeds expectations? A. Overall. Q. All right. Page 14. How does this differ from the page that we just looked at? MR. TUCKER: How does 14 differ from 13? MS. GURMANKIN: Yeah. THE WITNESS: The questions are the
2 3 4 5 6 7 8 9 10 11 12 13 14	her a four or that, correct? A. Correct. Q. Next one, "Is able to communication complex technical or functional information in simple terms for people from different professional backgrounds." You thought she met expectations on that one, correct? A. Correct. Q. Next one, "Cleary describes the impact and potential impact of her functional expertise on the wider business." You gave her a meets expectations on	2 3 4 5 6 7 8 9 10 11 12 13	Q. All right. So does that indicate that your overall assessment for the functional competencies on this page, that you thought she fell between meets expectations and exceeds expectations? A. Overall. Q. All right. Page 14. How does this differ from the page that we just looked at? MR. TUCKER: How does 14 differ from 13? MS. GURMANKIN: Yeah. THE WITNESS: The questions are the same.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	her a four or that, correct? A. Correct. Q. Next one, "Is able to communication complex technical or functional information in simple terms for people from different professional backgrounds." You thought she met expectations on that one, correct? A. Correct. Q. Next one, "Cleary describes the impact and potential impact of her functional expertise on the wider business." You gave her a meets expectations on that, correct? A. Correct. Q. Next one, "Shows a clear understanding of own strengths and development needs in own professional area and has some ideas on how to address development areas." You gave her a meets expectations on	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. All right. So does that indicate that your overall assessment for the functional competencies on this page, that you thought she fell between meets expectations and exceeds expectations? A. Overall. Q. All right. Page 14. How does this differ from the page that we just looked at? MR. TUCKER: How does 14 differ from 13? MS. GURMANKIN: Yeah. THE WITNESS: The questions are the same. BY MS. GURMANKIN: Q. Right. So is it any different? A. I don't believe so. Q. Okay. MR. TUCKER: Actually, it says on page 13 "Overall Functional Competency 1 Rating." 14 says "Overall Functional Competency 2
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	her a four or that, correct? A. Correct. Q. Next one, "Is able to communication complex technical or functional information in simple terms for people from different professional backgrounds." You thought she met expectations on that one, correct? A. Correct. Q. Next one, "Cleary describes the impact and potential impact of her functional expertise on the wider business." You gave her a meets expectations on that, correct? A. Correct. Q. Next one, "Shows a clear understanding of own strengths and development needs in own professional area and has some ideas on how to address development areas." You gave her a meets expectations on that, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. All right. So does that indicate that your overall assessment for the functional competencies on this page, that you thought she fell between meets expectations and exceeds expectations? A. Overall. Q. All right. Page 14. How does this differ from the page that we just looked at? MR. TUCKER: How does 14 differ from 13? MS. GURMANKIN: Yeah. THE WITNESS: The questions are the same. BY MS. GURMANKIN: Q. Right. So is it any different? A. I don't believe so. Q. Okay. MR. TUCKER: Actually, it says on page 13 "Overall Functional Competency 1 Rating." 14 says "Overall Functional Competency 2 Rating."
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	her a four or that, correct? A. Correct. Q. Next one, "Is able to communication complex technical or functional information in simple terms for people from different professional backgrounds." You thought she met expectations on that one, correct? A. Correct. Q. Next one, "Cleary describes the impact and potential impact of her functional expertise on the wider business." You gave her a meets expectations on that, correct? A. Correct. Q. Next one, "Shows a clear understanding of own strengths and development needs in own professional area and has some ideas on how to address development areas." You gave her a meets expectations on that, correct? A. I did.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. All right. So does that indicate that your overall assessment for the functional competencies on this page, that you thought she fell between meets expectations and exceeds expectations? A. Overall. Q. All right. Page 14. How does this differ from the page that we just looked at? MR. TUCKER: How does 14 differ from 13? MS. GURMANKIN: Yeah. THE WITNESS: The questions are the same. BY MS. GURMANKIN: Q. Right. So is it any different? A. I don't believe so. Q. Okay. MR. TUCKER: Actually, it says on page 13 "Overall Functional Competency 1 Rating." 14 says "Overall Functional Competency 2 Rating." BY MS. GURMANKIN:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	her a four or that, correct? A. Correct. Q. Next one, "Is able to communication complex technical or functional information in simple terms for people from different professional backgrounds." You thought she met expectations on that one, correct? A. Correct. Q. Next one, "Cleary describes the impact and potential impact of her functional expertise on the wider business." You gave her a meets expectations on that, correct? A. Correct. Q. Next one, "Shows a clear understanding of own strengths and development needs in own professional area and has some ideas on how to address development areas." You gave her a meets expectations on that, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. All right. So does that indicate that your overall assessment for the functional competencies on this page, that you thought she fell between meets expectations and exceeds expectations? A. Overall. Q. All right. Page 14. How does this differ from the page that we just looked at? MR. TUCKER: How does 14 differ from 13? MS. GURMANKIN: Yeah. THE WITNESS: The questions are the same. BY MS. GURMANKIN: Q. Right. So is it any different? A. I don't believe so. Q. Okay. MR. TUCKER: Actually, it says on page 13 "Overall Functional Competency 1 Rating." 14 says "Overall Functional Competency 2 Rating."

_	Page 197		Page 199
1	competencies any different?	1	A. I do see it, yes.
2	A. They both would have been about	2	Q. All right. Can you can you, first
3	functional competencies of the job role.	3	of all, explain why there's three pages with the
4	Q. Are they the same on both pages?	4	same functional competencies on it?
5	A. I don't recollect any difference.	5	A. So you can have different functional
6	Q. You don't see any difference on here,	6	competencies that you ask the same questions to.
7	do you?	7	So functional competency is a depending on the
8	A. Not for the questions, no.	8	job, it could be something computer skills or
9	Q. Okay. So, for example, if you look on	9	skills in Word, skills in Excel, skills in
10	page 13, look at the third one from the bottom.	10	whatever else.
11	This "Shows a clear understanding" one. Do you	11	Q. Got it. So is that the case with this
12	see that?	12	document?
13	A. Yeah.	13	A. I don't recall the functional
14	Q. All right. And on page 13 you checked	14	competencies that we discussed.
15	off meets expectations for that one, right?	15	Q. All right. But that's the only
16	A. Yup.	16	explanation that would make sense
17	Q. And then on page 14, if you look at	17	A. Yup.
18	that one, you checked a four, between meets	18	Q as to why there's the same
19	expectations and exceeds expectations. Do you see	19	functional competencies on multiple pages, right?
20	that?	20	MR. TUCKER: Objection.
21	A. Yes.	21	BY MS. GURMANKIN:
22	Q. Why? I mean, what was the difference?	22	Q. Right?
23	A. I don't recollect what the difference	23	A. Could you repeat the question?
24	was.	24	Q. Yeah.
	was.	21	Q. Touri.
	Page 198		Page 200
1	Q. Okay. And then on page 13 you looked	1	That's the explanation that makes
2	at the overall you checked off you circled	2	sense, that there's the same functional
3	four, right?	3	
4] 3	competencies that apply to different skills.
4	A. Yup.	4	competencies that apply to different skills. That's the only explanation that would make sense
5	A. Yup.Q. And then on 14, it looks like you		
	•	4	That's the only explanation that would make sense
5	Q. And then on 14, it looks like you	4 5	That's the only explanation that would make sense as to why there's the same functional competencies
5 6	Q. And then on 14, it looks like you circled both three and four; is that right?	4 5 6	That's the only explanation that would make sense as to why there's the same functional competencies on multiple pages of this assessment form.
5 6 7	Q. And then on 14, it looks like you circled both three and four; is that right?A. I don't recall which one I circled.	4 5 6 7	That's the only explanation that would make sense as to why there's the same functional competencies on multiple pages of this assessment form. MR. TUCKER: Objection.
5 6 7 8	 Q. And then on 14, it looks like you circled both three and four; is that right? A. I don't recall which one I circled. Q. Well, it looks like you circled both, 	4 5 6 7 8	That's the only explanation that would make sense as to why there's the same functional competencies on multiple pages of this assessment form. MR. TUCKER: Objection. THE WITNESS: There can be different.
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5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. And then on 14, it looks like you circled both three and four; is that right? A. I don't recall which one I circled. Q. Well, it looks like you circled both, doesn't it, just from looking at it? A. It does look like that. Q. Do you remember why? A. I don't. Q. All right. Next page, 15. All right. So am I correct that these functional competencies on page 15 are the same as the ones we just looked at on 13 and 14? A. Yup. Q. But it looks like here for the second one and the fourth one that you checked off a	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	That's the only explanation that would make sense as to why there's the same functional competencies on multiple pages of this assessment form. MR. TUCKER: Objection. THE WITNESS: There can be different. BY MS. GURMANKIN: Q. I'm sorry. A. There can different functional competences in a in a job, yes. Q. I'm sorry. I didn't understand that answer. I just want to make sure we're on the same page. You just testified that the same functional competencies can apply to different skills for the same job, right? A. Yes.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. And then on 14, it looks like you circled both three and four; is that right? A. I don't recall which one I circled. Q. Well, it looks like you circled both, doesn't it, just from looking at it? A. It does look like that. Q. Do you remember why? A. I don't. Q. All right. Next page, 15. All right. So am I correct that these functional competencies on page 15 are the same as the ones we just looked at on 13 and 14? A. Yup. Q. But it looks like here for the second one and the fourth one that you checked off a five, that she exceeds expectations?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	That's the only explanation that would make sense as to why there's the same functional competencies on multiple pages of this assessment form. MR. TUCKER: Objection. THE WITNESS: There can be different. BY MS. GURMANKIN: Q. I'm sorry. A. There can different functional competences in a in a job, yes. Q. I'm sorry. I didn't understand that answer. I just want to make sure we're on the same page. You just testified that the same functional competencies can apply to different skills for the same job, right? A. Yes. Q. Okay. So is that your understanding
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And then on 14, it looks like you circled both three and four; is that right? A. I don't recall which one I circled. Q. Well, it looks like you circled both, doesn't it, just from looking at it? A. It does look like that. Q. Do you remember why? A. I don't. Q. All right. Next page, 15. All right. So am I correct that these functional competencies on page 15 are the same as the ones we just looked at on 13 and 14? A. Yup. Q. But it looks like here for the second one and the fourth one that you checked off a five, that she exceeds expectations? A. Uh-huh.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	That's the only explanation that would make sense as to why there's the same functional competencies on multiple pages of this assessment form. MR. TUCKER: Objection. THE WITNESS: There can be different. BY MS. GURMANKIN: Q. I'm sorry. A. There can different functional competences in a in a job, yes. Q. I'm sorry. I didn't understand that answer. I just want to make sure we're on the same page. You just testified that the same functional competencies can apply to different skills for the same job, right? A. Yes. Q. Okay. So is that your understanding as to why there is the same functional competencies that you're rating Jesse on on multiple pages of this assessment form, that they
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And then on 14, it looks like you circled both three and four; is that right? A. I don't recall which one I circled. Q. Well, it looks like you circled both, doesn't it, just from looking at it? A. It does look like that. Q. Do you remember why? A. I don't. Q. All right. Next page, 15. All right. So am I correct that these functional competencies on page 15 are the same as the ones we just looked at on 13 and 14? A. Yup. Q. But it looks like here for the second one and the fourth one that you checked off a five, that she exceeds expectations? A. Uh-huh. Q. Do you see that?	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	That's the only explanation that would make sense as to why there's the same functional competencies on multiple pages of this assessment form. MR. TUCKER: Objection. THE WITNESS: There can be different. BY MS. GURMANKIN: Q. I'm sorry. A. There can different functional competences in a in a job, yes. Q. I'm sorry. I didn't understand that answer. I just want to make sure we're on the same page. You just testified that the same functional competencies can apply to different skills for the same job, right? A. Yes. Q. Okay. So is that your understanding as to why there is the same functional competencies that you're rating Jesse on on

Page 201 Page 203 analyst position that she was being considered 1 1 Α. Yes. 2 for? 2 Q. The next one, "Shows resilience under 3 3 A. I don't recall these pages in pressure, recovering quickly from all but the most 4 difficult situations." particular. 4 5 Right. But is there any other 5 You gave her a four, falling between 6 explanation that you can think of, as you sit here 6 meets and exceeds expectations, correct? 7 today, as to why the same functional competencies 7 Α. Yes. 8 8 would show up on multiple pages on this assessment The next one, "Manages own wellbeing 9 9 and maintains composure most of the time." form? 10 MR. TUCKER: Objection. 10 And you gave her a three, correct? 11 THE WITNESS: No, I don't know. 11 Correct. Α. 12 12 BY MS. GURMANKIN: Q. And the overall authenticity rating 13 Q. Anything else --13 that you gave her was a four, falling between 14 A. I don't recall. 14 meets and exceeds expectations, correct? 15 15 Q. Anything else that you can think of? Correct. A. A. Not at this time. 16 16 Q. Okay. Next page, 17. All right. So 17 Q. Okay. Go to page 16, please. 17 this is Growth. What does that category relate 18 And by the way, you -- you were 18 19 truthful throughout this assessment form when you 19 A. Around performance and some competency 20 completed it, right? 20 stuff. So how -- based on interviews you could A. Yes. perform the job. 21 21 All right. Page 16, the first -- I'm 22 22 All right. So the first one under sorry, actually this says Authentic. Do you see 23 23 meets expectations, "Seeks out some information at the top? 24 24 about the organization's business direction and Page 202 Page 204 1 A. Yes. 1 demonstrates recognition of how it impacts own 2 What does that refer to? What does 2 Q. area." 3 that mean? 3 You gave her a three, meets 4 A. It's the behavioral portion of the 4 expectations, right? 5 5 interview. A. Yes. 6 6 Q. Okay. So on the first category under Q. Next one, "Demonstrates interest in 7 meets expectations it says, "Acts with personal 7 and knowledge of relevant developments outside of 8 integrity in most cases but may be less 8 the organization, (for example, general business 9 9 transparent and open in situations that present a and industry trends.)" 10 personal risk." 10 You gave her a three, meets 11 And on that one you gave Jesse a four, 11 expectations, right? 12 12 falling between meets and exceeds expectations, A. Yup. correct? 13 13 Next one, "Applies innovative 14 A. Correct. 14 approaches to own work as appropriate." The next one, "Is clear about own 15 Q. 15 You gave her a three, meets 16 personal values and beliefs and acts in ways that 16 expectations, correct? 17 17 are consistent with them in most situations." A. Correct. 18 And you gave her a four, falling 18 Q. The next one, "Adapts appropriately to 19 between meets and exceeds expectations, correct? 19 change." 20 A. Correct. 20 You gave her a four, falling between Next one, "Conveys humility in sharing 21 meets and exceeds expectations, correct? 21 own views, displays openness to others' views." 22 22 Α. 23 23 You gave her a three, meets Q. The next one, "Makes timely decisions on most problems or issues, though struggles when 24 expectations, correct? 24

Page 205 Page 207 1 ambiguity exists." 1 applicable; is that right? 2 You gave her a three, meets 2 Α. Yes. 3 expectations, correct? 3 Q. Next one -- and actually, strike that. 4 A. Yes. 4 Do you remember why you did that? Why 5 Q. Next one, "Follows established safety 5 you crossed out the four and put not applicable? 6 and ethical policies and practices." 6 After I thought about it, it wasn't 7 You gave her a four, falling between 7 pertinent to the -- to the interview. 8 8 meets and exceeds expectations, correct? Next one, "Deploys a range of 9 9 A. Yes. different communication and influencing 10 Q. Next one, "Behaves in ways that align 10 strategies." with a positive reputation for the organization." 11 You gave her a four, falling between 11 And you gave her a four, falling 12 12 meets and exceeds expectations, correct? 13 between meets and exceeds expectations, correct? 13 Α. Correct. 14 A. Yup. 14 Q. An overall collaboration rating, you 15 It looks like for the overall growth 15 gave her a four, falling between meets and rating, correct me if I'm wrong, but it looks like 16 exceeds, correct? 16 you initially gave her a four and then crossed it 17 17 Α. Yes. 18 out and gave her a three? 18 Q. All right. The next one, page 19. 19 A. Correct. 19 Performance. What does that refer to? 20 Do you know remember why that was? 20 Performance in -- in the -- in a job. I had more checked boxes in the 21 21 How you're performing in the day-to-day stuff. 22 threes, so I averaged it out to be meets 22 So would that be for people who are 23 expectations. 23 already, I guess, not officially working in a 24 All right. Next page, 18. 24 particular job who are applying to make it a Page 208 Page 206 1 Collaboration. What does that refer to? 1 full-time position? 2 2 Being able to ask questions and talk It would -- some -- based on some 3 to different people. 3 interview questions, you can judge performance 4 The first one under meets 4 when you're asking some of the questions that's in 5 5 expectations, "Establishes effective working the book -- in the interview packet. 6 relationships with appropriate stakeholders." 6 Q. How does that differ from the 7 You gave her a four, falling between 7 functional competencies? 8 meets and exceeds expectations, correct? 8 A functional competency is more 9 A. Yes. 9 technical. 10 Q. The next one, "Listens to understand 10 Q. So technical skills? 11 customer/stakeholder needs and perspectives." 11 A. Yeah. 12 12 You gave her a three, meets So if someone's not working in the expectations, correct? 13 13 particular job at the time that this assessment's 14 A. Yes. 14 being done, how would you judge their performance 15 category? 15 Q. The next one, "Engages in behavior 16 that builds trust and cooperation within immediate 16 On a question and answer. On an 17 17 team." interview -- on the interview process you would 18 You gave her a four, falling between 18 ask the questions that's in the packet. 19 meets and exceeds expectations, correct? 19 Okay. So for the first one here under 20 meets expectations, "Puts in whatever effort is 20 21 necessary to ensure timely delivery of 21 Q. The next one, "Adapts to key cultural 22 commitments." 22 differences." 23 23 It looks like you initially gave her a You gave her a three, meets 24 24 expectations, correct? four and then you crossed that out and put not

	7 000		D 011
	Page 209		Page 211
1	A. Yes.	1 A. I was in	a discussion with I had a
2	Q. The next one, "Performs tasks outside		h Will about it. Just the
3	of own responsibility as requested to support the		s what the grade was going to be,
4	team's ability to deliver."	4 which I I didn't	know, and at the time he
5	You gave her a three, meets	5 didn't know.	
6	expectations, correct?		there really anything to the
7	A. Yes.		than you guys didn't know what
8	Q. Next one, "Demonstrates an acceptable	8 A. That wa	-
9	understanding of how the organization generates		recall any discussions with
10	value and makes money."		at you had about hiring Jesse as a
11	You gave her a three, meets		ee before she was hired?
12	expectations, correct?	2 A. No.	
13	A. Yes.	3	· -
14	Q. "Provides some coaching" I'm sorry,	· · · · · · · · · · · · · · · · · · ·	pon, <mark>Exhibit 7</mark> was marked for
15	"Provides some feedback and coaching to peers."	5 identification	by Ms. Gurmankin.)
16	You gave her a three, meets	6	-
17	expectations, correct?	7 BY MS. GURMA	
18	A. Yes.	•	You should have on your
19	Q. And the next one, "Identifies and		f you what has been marked as
20	implements some solutions to support improvements		s this is Jesse's Complaint
21	in the quality and efficiency of own work."		ederal court. Have you seen
22	And you gave her a three, meets		efore? And, you know, take your
23	expectation, correct?	-	h it, whatever you need to do to
24	A. Correct.	4 answer that ques	stion.
	Daga 210		Daga 212
	Page 210		Page 212
1	Q. And overall you gave her a three,	1 -	
2	Q. And overall you gave her a three, meets expectation?	2 (Page 212 Pause)
2	Q. And overall you gave her a three,meets expectation?A. Yes.	2 (1	 Pause)
2 3 4	Q. And overall you gave her a three,meets expectation?A. Yes.Q. The maintenance analyst position in	2 (l 3 - 4 MR. TU	 Pause) ICKER: Counsel, was your
2 3 4 5	 Q. And overall you gave her a three, meets expectation? A. Yes. Q. The maintenance analyst position in Wellsboro that she was hired into on a full-time 	2 (l 3 - 4 MR. TL 5 question ha	Pause) ICKER: Counsel, was your s he seen this before?
2 3 4 5 6	 Q. And overall you gave her a three, meets expectation? A. Yes. Q. The maintenance analyst position in Wellsboro that she was hired into on a full-time basis, was that position vacant before she started 	2 (l) 3 - 4 MR. TU 5 question ha 6 MS. GU	Pause) ICKER: Counsel, was your s he seen this before? JRMANKIN: Yeah.
2 3 4 5 6 7	 Q. And overall you gave her a three, meets expectation? A. Yes. Q. The maintenance analyst position in Wellsboro that she was hired into on a full-time basis, was that position vacant before she started working in it? 	2 (l) 3 - 4 MR. TL 5 question ha 6 MS. GL 7 THE W	Pause) ICKER: Counsel, was your s he seen this before?
2 3 4 5 6 7 8	 Q. And overall you gave her a three, meets expectation? A. Yes. Q. The maintenance analyst position in Wellsboro that she was hired into on a full-time basis, was that position vacant before she started working in it? A. Yes. 	2 ((13	Pause) CKER: Counsel, was your she seen this before? JRMANKIN: Yeah. JINESS: I've seen parts of it
2 3 4 5 6 7 8	 Q. And overall you gave her a three, meets expectation? A. Yes. Q. The maintenance analyst position in Wellsboro that she was hired into on a full-time basis, was that position vacant before she started working in it? A. Yes. Q. Had anyone had it before she started 	2 (IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII	Pause) ICKER: Counsel, was your s he seen this before? JRMANKIN: Yeah. ITNESS: I've seen parts of it
2 3 4 5 6 7 8 9	 Q. And overall you gave her a three, meets expectation? A. Yes. Q. The maintenance analyst position in Wellsboro that she was hired into on a full-time basis, was that position vacant before she started working in it? A. Yes. Q. Had anyone had it before she started working in that position? 	2 (I) 3 - 4 MR. TL 5 question ha 6 MS. GL 7 THE W 8 before, yes. 9 BY MS. GURM 0 Q. Which	Pause) ICKER: Counsel, was your s he seen this before? JRMANKIN: Yeah. ITNESS: I've seen parts of it ANKIN: parts, do you know?
2 3 4 5 6 7 8 9 10	Q. And overall you gave her a three, meets expectation? A. Yes. Q. The maintenance analyst position in Wellsboro that she was hired into on a full-time basis, was that position vacant before she started working in it? A. Yes. Q. Had anyone had it before she started working in that position? A. Not that I recollect.	2 (l) 3 - 4 MR. TL 5 question ha 6 MS. GL 7 THE W 8 before, yes. 9 BY MS. GURM 0 Q. Which 1 A. The fir	Pause) ICKER: Counsel, was your s he seen this before? JRMANKIN: Yeah. ITNESS: I've seen parts of it ANKIN: parts, do you know? st few pages.
2 3 4 5 6 7 8 9 10 11 12	 Q. And overall you gave her a three, meets expectation? A. Yes. Q. The maintenance analyst position in Wellsboro that she was hired into on a full-time basis, was that position vacant before she started working in it? A. Yes. Q. Had anyone had it before she started working in that position? A. Not that I recollect. Q. Was she the first maintenance analyst 	2 (03	Pause) ICKER: Counsel, was your she seen this before? JRMANKIN: Yeah. ITNESS: I've seen parts of it ANKIN: parts, do you know? st few pages. when?
2 3 4 5 6 7 8 9 10 11 12 13	 Q. And overall you gave her a three, meets expectation? A. Yes. Q. The maintenance analyst position in Wellsboro that she was hired into on a full-time basis, was that position vacant before she started working in it? A. Yes. Q. Had anyone had it before she started working in that position? A. Not that I recollect. Q. Was she the first maintenance analyst in Wellsboro that you were aware of? 	2 (() 3 - 4 MR. TL 5 question ha 6 MS. GL 7 THE W 8 before, yes. 9 BY MS. GURM 0 Q. Which 1 A. The fir 2 Q. Up till 3 A. Page f	Pause) ICKER: Counsel, was your s he seen this before? JRMANKIN: Yeah. ITNESS: I've seen parts of it ANKIN: parts, do you know? st few pages. when? our.
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. And overall you gave her a three, meets expectation? A. Yes. Q. The maintenance analyst position in Wellsboro that she was hired into on a full-time basis, was that position vacant before she started working in it? A. Yes. Q. Had anyone had it before she started working in that position? A. Not that I recollect. Q. Was she the first maintenance analyst in Wellsboro that you were aware of? A. That I'm aware of, yes. That I	2 ((13) 4 MR. TL 5 question ha 6 MS. GL 7 THE W 8 before, yes. 9 BY MS. GURM 0 Q. Which 1 A. The fir 2 Q. Up till 3 A. Page f 4 Q. When	Pause) ICKER: Counsel, was your s he seen this before? JRMANKIN: Yeah. ITNESS: I've seen parts of it ANKIN: parts, do you know? st few pages. when? our. did you see up till page four?
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. And overall you gave her a three, meets expectation? A. Yes. Q. The maintenance analyst position in Wellsboro that she was hired into on a full-time basis, was that position vacant before she started working in it? A. Yes. Q. Had anyone had it before she started working in that position? A. Not that I recollect. Q. Was she the first maintenance analyst in Wellsboro that you were aware of? A. That I'm aware of, yes. That I recall.	2 (() 3 - 4 MR. TL 5 question ha 6 MS. GL 7 THE W 8 before, yes. 9 BY MS. GURM 0 Q. Which 1 A. The fir 2 Q. Up till 3 A. Page f 4 Q. When 5 A. I think	Pause) ICKER: Counsel, was your s he seen this before? JRMANKIN: Yeah. ITNESS: I've seen parts of it IANKIN: parts, do you know? st few pages. when? our. did you see up till page four? when the official when this
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. And overall you gave her a three, meets expectation? A. Yes. Q. The maintenance analyst position in Wellsboro that she was hired into on a full-time basis, was that position vacant before she started working in it? A. Yes. Q. Had anyone had it before she started working in that position? A. Not that I recollect. Q. Was she the first maintenance analyst in Wellsboro that you were aware of? A. That I'm aware of, yes. That I recall. Q. Who determined what job grade she would come in at?	2 (03 3 -4 4 MR. TL 5 question ha 6 MS. GL 7 THE W 8 before, yes. 9 BY MS. GURM 0 Q. Which 1 A. The fir 2 Q. Up till 3 A. Page f 4 Q. When 5 A. I think 6 became official 7 Q. Do you	Pause) ICKER: Counsel, was your s he seen this before? JRMANKIN: Yeah. ITNESS: I've seen parts of it IANKIN: parts, do you know? st few pages. when? our. did you see up till page four? when the official when this
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. And overall you gave her a three, meets expectation? A. Yes. Q. The maintenance analyst position in Wellsboro that she was hired into on a full-time basis, was that position vacant before she started working in it? A. Yes. Q. Had anyone had it before she started working in that position? A. Not that I recollect. Q. Was she the first maintenance analyst in Wellsboro that you were aware of? A. That I'm aware of, yes. That I recall. Q. Who determined what job grade she would come in at? A. I do not know. Q. You did not make that determination? A. No.	2 ((13) - 4 MR. TL question han 6 MS. GL THE W before, yes. 9 BY MS. GURM Q. Which 1 A. The fir Q. Up till 1.3 A. Page for Q. When 5 A. I think became official Q. Do you A. No. Q. When what are you resident to the page for the	Pause) ICKER: Counsel, was your she seen this before? JRMANKIN: Yeah. ITNESS: I've seen parts of it IANKIN: parts, do you know? st few pages. when? our. did you see up till page four? when the official when this u recall when? you say "this became official," eferring to?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And overall you gave her a three, meets expectation? A. Yes. Q. The maintenance analyst position in Wellsboro that she was hired into on a full-time basis, was that position vacant before she started working in it? A. Yes. Q. Had anyone had it before she started working in that position? A. Not that I recollect. Q. Was she the first maintenance analyst in Wellsboro that you were aware of? A. That I'm aware of, yes. That I recall. Q. Who determined what job grade she would come in at? A. I do not know. Q. You did not make that determination? A. No. Q. Do you know if Turney made it? A. I don't.	MR. TL question ha MS. GL THE W before, yes. BY MS. GURM Q. Which A. The fir Q. Up till A. Page f Q. When A. I think became official Q. Do you A. No. Q. When what are you re A. The lar Q. And w	Pause) ICKER: Counsel, was your she seen this before? JRMANKIN: Yeah. ITNESS: I've seen parts of it IANKIN: parts, do you know? st few pages. when? our. did you see up till page four? when the official when this . u recall when? you say "this became official," eferring to? wsuit. ho showed you up to page four?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And overall you gave her a three, meets expectation? A. Yes. Q. The maintenance analyst position in Wellsboro that she was hired into on a full-time basis, was that position vacant before she started working in it? A. Yes. Q. Had anyone had it before she started working in that position? A. Not that I recollect. Q. Was she the first maintenance analyst in Wellsboro that you were aware of? A. That I'm aware of, yes. That I recall. Q. Who determined what job grade she would come in at? A. I do not know. Q. You did not make that determination? A. No. Q. Do you know if Turney made it?	MR. TL question ha MS. GL THE W before, yes. BY MS. GURM Q. Which A. The fir Q. Up till A. Page f Q. When A. I think became official Q. Do you A. No. Q. When what are you re A. The lat Q. And w A. I don't	Pause) ICKER: Counsel, was your she seen this before? JRMANKIN: Yeah. ITNESS: I've seen parts of it IANKIN: parts, do you know? st few pages. when? our. did you see up till page four? when the official when this u recall when? you say "this became official," eferring to? wsuit.

Darries V.	Shell Exploration & Froduction Company Apparachia, et al.		HONDO BLAKLET, 0/10/13
	Page 213		Page 215
1	there's an EEOC charge attached. Have you seen	1	and Turney."
2	that before?	2	Is that true?
3	A. All the way to page 32?	3	A. No.
4	Q. Yeah, after the Complaint.	4	Q. At some point did you?
5	MR. TUCKER: Go to page 24.	5	A. Yes.
6	THE WITNESS: Okay. I'm there.	6	Q. When was that?
7	BY MS. GURMANKIN:	7	A. November when did I become a
8	Q. Have you seen the EEOC charge that's	8	production superintendent?
9	attached before?	9	Q. You said late 2017, early 2018.
10	A. I don't recall seeing this.	10	A. Yup. Yeah. November
11	MR. TUCKER: Can you say that again?	11	Q. Starting around that time?
12	What did you say?	12	A. Yeah. November 2017, late fall.
13	THE WITNESS: I don't recall seeing	13	Q. Okay. Through when?
14	this.	14	 A. Until he transferred to Permian.
15	BY MS. GURMANKIN:	15	Q. Did you continue to have supervisory
16	Q. All right. If you get back to page 10	16	authorities over Jesse until she left earlier this
17	of the Complaint, paragraph 32. Are you there?	17	year?
18	A. Yup. Page 10, paragraph what?	18	A. I've never had supervisory authority
19	Q. Thirty-two. Do you see that at the	19	over Jesse.
20	bottom?	20	Q. So it's only accurate that you had
21	A. Is that (aa) or (z)?	21	supervisory authority over Turney?
22	Q. No, it's after that, paragraph 32.	22	A. Correct.
23	It's at the bottom of page 10.	23	Q. Okay. But you never had any
24	A. Okay. I see it.	24	supervisory authority over Jesse?
	Page 214		Page 216
1	Q. It says, "In or about May 2016,	1	A. No.
2	Plaintiff," meaning Jesse Barnes, "complained of	2	Q. Whether indirect or direct, right?
3	sexual harassment to Blakley." I'll stop there.	3	A. No.
4	Is that true or do you dispute that?	4	Q. That is correct? Yes?
5		5	A. It's correct that I never had
6	(Pause)	6	supervisory authority over Jesse.
7		7	Q. Okay. During the time that you were
8	A. That's not true.	8	process improvement lead and you worked with
9	Q. Okay. Did she complain to you about	9	Turney on improving processes, Jesse was reporting
10	anything in May 2016?	10	to Turney during that time, correct?
11	A. It was around the time that she was	11	A. Yes.
12	complaining about work.	12	Q. All right. Next sentence, "Plaintiff
13	Q. About Turney assigning tasks to Krise	13	asked Blakley for help, and expressed that she was
14	and Foreman that she thought should have been	14	upset at the way she was being treated by Turney
15	given to her?	15	and other male managers and employees because she
16	A. Yes.	16	is female."
17	Q. And about her complaining that she had	17	Is that true?
18	communication issues with Turney?	18	A. No.
19	A. Yes.	19	Q. Did you ever tell Jesse that at any
20	Q. Okay. Anything else around May 2016?	20	time?
21	A. Not around May 2016. Not that I	21	MR. TUCKER: That being what?
22	recall.	22	MS. GURMANKIN: Anything in that
23	Q. All right. The next sentence,	23	sentence that I just read.
24	"Blakley has supervisory authority over Plaintiff	24	BY MS. GURMANKIN:

	Page 217		Page 219
1	Q. I'm sorry. Did Jesse tell you	1	Caren.
2	anything in that sentence at any time?	2	BY MS. GURMANKIN:
3	A. No.	3	Q. Is it in person?
4	Q. All right. Paragraph 33. "In	4	A. Yes.
5	response to Plaintiff's complaint, Blakley told	5	Q. Where?
6	Plaintiff that the same was out of character for	6	A. In a office.
7	her, and that she needed to make sure to control	7	Q. In whose office.
8	her emotions." I'll stop there.	8	A. Probably at the cubicle.
9	Did you ever tell Jesse that she	9	Q. Whose?
10	needed to make sure to control her emotions or	10	A. His.
11	words to that effect?	11	Q. So did you come over to talk to him
12	A. Yes.	12	about something else? Did he call you over?
13	Q. When was that?	13	A. We were talking about other stuff.
14	 A. It was shortly after she had an 	14	Q. And in the middle of that conversation
15	emotional outburst that she had to leave work for.	15	he tells you that Jesse had an outburst the day
16	Q. When was her emotional outburst?	16	before?
17	 Around that same time frame. 	17	A. Yes.
18	Q. May 2016?	18	Q. And that she went home
19	A. Yeah. May, June, summertime.	19	A. Uh-huh.
20	Q. Did you see her emotional outburst?	20	Q for the rest of the day?
21	A. I did not.	21	A. That's correct.
22	Q. Someone told you about it?	22	Q. And that he was disappointed in her?
23	A. Yes.	23	A. No, not it it was disappointment
24	Q. Who?	24	that that it had occurred. Just general
	Page 218		Page 220
1	A. I believe it was who was it? Steve	1	disappointment that somebody has to get that
1 2		1 2	disappointment that somebody has to get that angry. The the statement that it was
	Craig.		angry. The the statement that it was
2	Craig. Q. Did he tell you about it on the same	2	angry. The the statement that it was disappointed in her is not accurate.
2	Craig.	2 3	angry. The the statement that it was disappointed in her is not accurate. Q. Okay. So what did he express to you
2 3 4	Craig. Q. Did he tell you about it on the same day that it happened?	2 3 4	angry. The the statement that it was disappointed in her is not accurate.
2 3 4 5	Craig. Q. Did he tell you about it on the same day that it happened? A. No. Q. When?	2 3 4 5	angry. The the statement that it was disappointed in her is not accurate. Q. Okay. So what did he express to you caused him disappointment? A. The fact that that stuff occurs in a
2 3 4 5 6	Craig. Q. Did he tell you about it on the same day that it happened? A. No. Q. When?	2 3 4 5 6	angry. The the statement that it was disappointed in her is not accurate. Q. Okay. So what did he express to you caused him disappointment?
2 3 4 5 6 7	Craig. Q. Did he tell you about it on the same day that it happened? A. No. Q. When? A. It was the day after.	2 3 4 5 6 7	angry. The the statement that it was disappointed in her is not accurate. Q. Okay. So what did he express to you caused him disappointment? A. The fact that that stuff occurs in a professional setting. It should be you
2 3 4 5 6 7 8	Craig. Q. Did he tell you about it on the same day that it happened? A. No. Q. When? A. It was the day after. Q. What did Craig tell you about Jesse's	2 3 4 5 6 7 8	angry. The the statement that it was disappointed in her is not accurate. Q. Okay. So what did he express to you caused him disappointment? A. The fact that that stuff occurs in a professional setting. It should be you shouldn't have outbursts. You should be able to
2 3 4 5 6 7 8	Craig. Q. Did he tell you about it on the same day that it happened? A. No. Q. When? A. It was the day after. Q. What did Craig tell you about Jesse's emotional outburst?	2 3 4 5 6 7 8	angry. The the statement that it was disappointed in her is not accurate. Q. Okay. So what did he express to you caused him disappointment? A. The fact that that stuff occurs in a professional setting. It should be you shouldn't have outbursts. You should be able to communicate issues and problems without losing
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	Page 221		Page 223
1	that those things should not occur in the	1	foster work environments where that we don't
2	workplace, that he was disappointed that she acted	2	have people that get angry like that.
3	that way in the workplace?	3	Q. No, no. When you asked Steve Craig
4	MR. TUCKER: Objection, asked and	4	what was her outburst about, what did he say?
5	answered two times at least.	5	A. He did not give me details.
6	MS. GURMANKIN: No, it hasn't.	6	Q. Well, what did he answer when you said
7	MR. TUCKER: Yes, it has been.	7	what was her outburst about?
8	BY MS. GURMANKIN:	8	A. He said, I can't give you details.
9	Q. Is that what you understood he was	9	Q. Well, did you ask why not?
10	expressing to you?	10	A. No.
11	MR. TUCKER: He has said something	11	Q. Why?
12	different, but he may answer it again.	12	A. Because it's a supervisor/subordinate.
13	THE WITNESS: He was expressing that	13	I wasn't a direct report. A lot of personnel
14	it's he's disappointed that stuff occurs.	14	issues you don't have open conversations about.
15	We ought to be able to have communications in	15	Q. I'm asking you about this one. Did
16	a work environment that does not where	16	you ask why he couldn't give you any details?
17	that stuff does doesn't occur.	17	A. No.
18	BY MS. GURMANKIN:	18	Q. Did you ask if he had seen it or heard
19	Q. Was he saying that in the context of	19	about it from somebody else?
20	telling you that anyone other than Jesse acted	20	A. No.
21	that way?	21	Q. Do you have a understanding of whether
22	A. I don't know the context in which he	22	he saw it himself or whether he heard about it
23	said it in.	23	from someone else?
24	Q. Well, isn't that the same conversation	24	A. I don't. I don't know that.
	Page 222		Page 224
1	in which he's telling you that she had an	1	Q. Okay. Am I correct that till this day
2	outburst?	2	you have no idea what that outburst was about?
3	A. It was.	3	 You are correct.
4	Q. Okay.	4	Q. Okay. Do you have any idea how she
5	 A. But I didn't ask the context. This 	5	acted that led Steve Craig to tell you that she
6	was we need to make sure that we have a work	6	yy
•		0	had an outburst?
7	environment that does not sustain that type of	7	had an outburst? A. Not the details.
	environment that does not sustain that type of situations.		had an outburst?
7	situations. Q. Meaning what?	7	had an outburst? A. Not the details. Q. Anything? A. No.
7 8 9 10	situations. Q. Meaning what? A. Meaning having that kind of situation	7 8 9 10	had an outburst? A. Not the details. Q. Anything? A. No. Q. I mean, do you know if she yelled?
7 8 9 10 11	situations. Q. Meaning what?	7 8 9 10 11	had an outburst? A. Not the details. Q. Anything? A. No. Q. I mean, do you know if she yelled? A. I do not recollect any of the details.
7 8 9 10 11 12	situations. Q. Meaning what? A. Meaning having that kind of situation happen in a work environment. Q. Well, what was it about the work	7 8 9 10 11 12	had an outburst? A. Not the details. Q. Anything? A. No. Q. I mean, do you know if she yelled?
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Page 228

Page 225

1 it with me.

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- Q. Did you wonder?
- A. No.
 - Q. Why? If it was between supervisors and direct reports, why weren't you even wondering why he was bothering to share this with you?
 - A. Because I -- in my -- as a process improvement lead, there's a lot of opportunity for me to lead people, coach, and mentor, and those are things that I should be looking for to help make sure you foster an open environment for -- with communication and that kind of stuff.
 - Q. So did you think that's why he was sharing it with you?
 - A. Yeah. To help make sure that's -- that type of situation doesn't occur in the workplace.
 - Q. Well, how would you be able to lead, coach, and mentor if you have no idea what it was about or what caused it or how she even acted?
 - A. Because I can lead, coach, and mentor about having an open transparent work environment without knowing when -- when something happens.
 - Q. I'm not talking about when something

Page 227

- Q. You want to do everything you can to make sure that there's not anything going on in the work environment that causes employees to have
- the work environment that causes employees to have outbursts.
 - A. Yes.

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- Q. Okay. So you documented what Steve
- 7 Craig told you about Jesse having an outburst?
 - A. No
 - Q. Have you ever done that?
- 10 A. No
 - Q. Did you report it to anyone in HR?
- 12 A. No.
 - Q. Did you report it to your supervisor?
 - A. Steve was my supervisor.
- Q. Did you report it to anybody in the company?
 - A. No.
 - Q. How come?
- A. Because my supervisor was aware of it and there's a chain of command and he's directly over me for chain of command. So whoever he is reporting to, he would have reported it.
 - Q. So what did you do to lead, coach, and mentor when you found out that Jesse had an

Page 226

- 1 happened. He told you when it happened. I'm
- talking about why it happened. Don't you need
- 3 that information to be able to lead, coach, and
- 4 mentor?
 - A. No.
 - Q. Why?
 - A. Because you -- when you lead, coach, and mentor, it's about getting people to work as a team and communicate openly. It's not about talking about something that happened in the past when it's private.
 - Q. Am I correct you were concerned when Steve Craig tells you that an employee in the group had an outburst at work?
 - A. Could you repeat the question?
 - Q. Sure.

Am I correct that that was concerning to you, that you have an employee here in the group who's having outbursts in the workplace?

- A. Yeah, it concerned me.
- Q. Yeah. I mean, you don't want to have a work environment that leads to employees having outbursts in the workplace.
 - A. Correct.

outburst in the workplace?

- A. So if anybody brought it up, I would, one, say we need to move past it. Not to dwell on things that happened in the past. And if you have issues, they need to be brought up and made transparent before -- before it gets out of hand.
- Q. He said whenever -- whenever someone brought it up. Who brought it up?
 - A. I don't recall.
- Q. Do you recall anyone ever bringing it up other than Steve Craig to you?
- 12 A. I did talk to Will Turney once about 13 it.
- 14 Q. When?
- 15 A. After the fact.
- 16 Q. How soon?
 - A. Probably a week.
 - Q. About a week after Steve Craig tells
- 19 you it happens?
 - A. Yeah.
- Q. And tell me about your conversation with Turney.
- A. It was pretty short. I didn't get any details. I asked him if he had had any follow-up

Page 229 Page 231 1 with Steve. He said he had. And that was 1 have about it? 2 probably as far as the conversation went. 2 High level coaching-type conversation 3 3 Well, did you initiate the as far as my role in trying to ensure that that -those type of -- that isn't fostered in the work 4 conversation with Turney to talk to him about 4 environment. We need to make sure it doesn't 5 Jesse's outburst? 5 A. No. 6 6 happen. 7 Q. So how did it come up? 7 Q. Tell me everything that you talked to 8 8 We were talking about other stuff that Turney about Jesse's outburst. 9 9 A. He asked if I'd heard about it. I was going on, maintenance stuff, and some 10 processes that we're working on. 10 said yes. And I said, we have to make sure that Q. Who brings it up? 11 we make sure that stuff doesn't happen. Right? 11 12 I believe -- I believe Will brought it Make sure that people have -- all the employees 12 Α. 13 13 can have conversations and have coaching up. 14 Q. What did he say? 14 conversations and/or conversations about 15 15 improvement opportunities, wherever they might be, Asked if I'd heard about it. 16 MS. GURMANKIN: All right. We need to 16 and you can have an open work environment. 17 Any other conversation that you had 17 take a break to change tape. 18 VIDEOGRAPHER: This concludes file 18 with Turney about Jesse's outburst? 19 19 number three in the videotaped deposition of A. Nο 20 Hondo Blakley in the matter of Jesse Barnes 20 Why were you even talking to Turney about essentially we have to be able to talk to 21 v. Shell, et al. 21 22 22 We are going off the record at 1:52 people about developmental opportunities and 23 23 coaching without that happening if you didn't even p.m. 2.4 24 know what led to the outburst? Page 230 Page 232 1 (Whereupon, a recess was taken from 1 It doesn't matter what led to the outburst. We don't want a work environment where 2 2 1:52 p.m. until 2:02 p.m.) 3 3 that stuffs occurs. 4 VIDEOGRAPHER: This will begin file 4 Well, it -- I'm sorry. Go ahead. 5 5 A. I had a conversation about a general number four in the videotaped deposition of 6 Hondo Blakley in the matter of Jesse Barnes 6 workplace environment. 7 v. Shell, et al. 7 Well, for example, if an outburst 8 8 resulted from an employee being sexually harassed, We are going back on the record at 9 9 then that would certainly make a difference, 2:02 p.m. 10 10 BY MS. GURMANKIN: wouldn't it? 11 So at some point about a week after 11 A. Yes. 12 All right. So it would matter why the 12 Steve Craig tells you about Jesse's outburst, Q. 13 outburst happened, wouldn't it? 13 you're talking to Will Turney and he asks you if 14 you've heard about it, correct? 14 To the people that it affected, yes. 15 15 Α. Yes. And to you, in terms of your role in coaching and mentoring and leading and making sure 16 Q. And you say? 16 17 the workplace environment isn't one that leads to 17 A. I did. 18 Q. Did he tell you anything about it? 18 that type of conduct, right? 19 Of outbursts? 19 A. No details. Α. 20 Yeah. 20 Ω Q. Did he tell you that he witnessed it? 21 Correct. 21 Α. Α. And sexually harassing conduct, right? 22 Q. Do you know whether he witnessed it? 22 23 You want to make sure the workplace is free of 23 I don't. A. 24 sexually harassing conduct --24 Any other conversation that you guys Q.

	Page 233		Page 235
1	A. Absolutely.	1	details because he may not have seen it, right?
2	Q in your role as a supervisor at	2	That would be another reason why he wouldn't have
3	Shell, right?	3	been able to give you details.
4	A. Absolutely.	4	MR. TUCKER: Objection.
5	Q. Okay. So why wouldn't you ask why the	5	You may answer.
6	outburst happened?	6	THE WITNESS: I can't speak to that
7	MR. TUCKER: Objection, asked and	7	because I don't know if he did or didn't see
8	asked.	8	it. I don't know.
9	You may answer it again.	9	BY MS. GURMANKIN:
10	THE WITNESS: I was the process	10	Q. Well, if he didn't see it, then that
11	improvement lead at the time and when you	11	could be another reason why he couldn't give you
12	have personnel issues, it's not shared with	12	details, right?
13	everybody.	13	MR. TUCKER: Objection, hypothetical.
14	BY MS. GURMANKIN:	14	You may answer.
15	 Q. Did anyone tell you that they couldn't 	15	THE WITNESS: Yeah. I guess if that's
16	share it with you?	16	the case.
17	A. No.	17	BY MS. GURMANKIN:
18	 Q. All right. So that's not the reason 	18	Q. Did you even ask Will Turney if why
19	that you didn't ask, right?	19	it happened?
20	A. I already knew.	20	A. No.
21	Q. You didn't know why it happened, did	21	Q. Did you ask if he saw it?
22	you?	22	A. No.
23	A. No. I know why it can't be shared.	23	Q. Other than the conversation with Steve
24	Q. Why?	24	Craig that you testified to and this conversation
	Page 234		7 026
	Page 234		Page 236
1		1	
1 2	A. Because it's a situation in between a	1 2	with Will Turney that you testified to about a
		1 2 3	with Will Turney that you testified to about a week later, any other conversations with anyone
2	A. Because it's a situation in between a supervisor and a subordinate. It's a personnel issue.	2	with Will Turney that you testified to about a week later, any other conversations with anyone else at Shell about Jesse allegedly having an
2	A. Because it's a situation in between a supervisor and a subordinate. It's a personnel issue. Q. In your role as process improvement	2 3	with Will Turney that you testified to about a week later, any other conversations with anyone
2 3 4	A. Because it's a situation in between a supervisor and a subordinate. It's a personnel issue.	2 3 4	with Will Turney that you testified to about a week later, any other conversations with anyone else at Shell about Jesse allegedly having an outburst? A. Nope.
2 3 4 5	A. Because it's a situation in between a supervisor and a subordinate. It's a personnel issue. Q. In your role as process improvement lead, were you not allowed to know about personnel issues?	2 3 4 5	with Will Turney that you testified to about a week later, any other conversations with anyone else at Shell about Jesse allegedly having an outburst? A. Nope.
2 3 4 5 6	A. Because it's a situation in between a supervisor and a subordinate. It's a personnel issue. Q. In your role as process improvement lead, were you not allowed to know about personnel	2 3 4 5 6	with Will Turney that you testified to about a week later, any other conversations with anyone else at Shell about Jesse allegedly having an outburst? A. Nope. Q. Did you ever talk to Jesse about it?
2 3 4 5 6 7	A. Because it's a situation in between a supervisor and a subordinate. It's a personnel issue. Q. In your role as process improvement lead, were you not allowed to know about personnel issues? A. No. Some of them are personnel	2 3 4 5 6 7	with Will Turney that you testified to about a week later, any other conversations with anyone else at Shell about Jesse allegedly having an outburst? A. Nope. Q. Did you ever talk to Jesse about it? A. I did not.
2 3 4 5 6 7 8	A. Because it's a situation in between a supervisor and a subordinate. It's a personnel issue. Q. In your role as process improvement lead, were you not allowed to know about personnel issues? A. No. Some of them are personnel issues are personnel issues. They have a chain of	2 3 4 5 6 7 8	with Will Turney that you testified to about a week later, any other conversations with anyone else at Shell about Jesse allegedly having an outburst? A. Nope. Q. Did you ever talk to Jesse about it? A. I did not. Q. You testified that at some point, as a
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2 3 4 5 6 7 8 9 10 11	A. Because it's a situation in between a supervisor and a subordinate. It's a personnel issue. Q. In your role as process improvement lead, were you not allowed to know about personnel issues? A. No. Some of them are personnel issues are personnel issues. They have a chain of command through supervisors and their reports. You don't get a lot of that information. Q. Did you did anyone tell you that they couldn't tell you why the outburst happened	2 3 4 5 6 7 8 9 10 11 12	with Will Turney that you testified to about a week later, any other conversations with anyone else at Shell about Jesse allegedly having an outburst? A. Nope. Q. Did you ever talk to Jesse about it? A. I did not. Q. You testified that at some point, as a result of you learning of her outburst, you told her that she needed to make sure she controlled her emotions. A. That conversation wasn't specifically
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Because it's a situation in between a supervisor and a subordinate. It's a personnel issue. Q. In your role as process improvement lead, were you not allowed to know about personnel issues? A. No. Some of them are personnel issues are personnel issues. They have a chain of command through supervisors and their reports. You don't get a lot of that information. Q. Did you did anyone tell you that they couldn't tell you why the outburst happened because it was a personnel issue? A. No. Q. When you asked Steve Craig and he said I can't give you details, did he tell you it's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	with Will Turney that you testified to about a week later, any other conversations with anyone else at Shell about Jesse allegedly having an outburst? A. Nope. Q. Did you ever talk to Jesse about it? A. I did not. Q. You testified that at some point, as a result of you learning of her outburst, you told her that she needed to make sure she controlled her emotions. A. That conversation wasn't specifically about the outburst. Q. What was it specifically about? A. The communication issues. Q. When did
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Because it's a situation in between a supervisor and a subordinate. It's a personnel issue. Q. In your role as process improvement lead, were you not allowed to know about personnel issues? A. No. Some of them are personnel issues are personnel issues. They have a chain of command through supervisors and their reports. You don't get a lot of that information. Q. Did you did anyone tell you that they couldn't tell you why the outburst happened because it was a personnel issue? A. No. Q. When you asked Steve Craig and he said I can't give you details, did he tell you it's because it was a personnel issue? A. When he said he couldn't give me details, it was clear, based on my knowledge, that it was a personnel issue and that you can't talk about that stuff. Q. Did he tell you that? A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	with Will Turney that you testified to about a week later, any other conversations with anyone else at Shell about Jesse allegedly having an outburst? A. Nope. Q. Did you ever talk to Jesse about it? A. I did not. Q. You testified that at some point, as a result of you learning of her outburst, you told her that she needed to make sure she controlled her emotions. A. That conversation wasn't specifically about the outburst. Q. What was it specifically about? A. The communication issues. Q. When did A. She would get there would be some anger in it and I said you can't get mad all the time. You have to control your emotions. Q. Are you referring to the second and third conversations she had with you in the spring
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Because it's a situation in between a supervisor and a subordinate. It's a personnel issue. Q. In your role as process improvement lead, were you not allowed to know about personnel issues? A. No. Some of them are personnel issues are personnel issues. They have a chain of command through supervisors and their reports. You don't get a lot of that information. Q. Did you did anyone tell you that they couldn't tell you why the outburst happened because it was a personnel issue? A. No. Q. When you asked Steve Craig and he said I can't give you details, did he tell you it's because it was a personnel issue? A. When he said he couldn't give me details, it was clear, based on my knowledge, that it was a personnel issue and that you can't talk about that stuff. Q. Did he tell you that?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	with Will Turney that you testified to about a week later, any other conversations with anyone else at Shell about Jesse allegedly having an outburst? A. Nope. Q. Did you ever talk to Jesse about it? A. I did not. Q. You testified that at some point, as a result of you learning of her outburst, you told her that she needed to make sure she controlled her emotions. A. That conversation wasn't specifically about the outburst. Q. What was it specifically about? A. The communication issues. Q. When did A. She would get there would be some anger in it and I said you can't get mad all the time. You have to control your emotions. Q. Are you referring to the second and third conversations she had with you in the spring of 2016 when she raised her voice and said "I'm

	. Sinell Exploration & Production Company Apparachia, et al.		Davis 220
	Page 237		Page 239
1	Q. In one of them she said that?	1	Q. Who?
2	A. That she was angry?	2	A. Craig Atkins.
3	Q. Yeah.	3	Q. Who is he?
4	A. Yeah.	4	A. My supervisor at the time.
5	Q. All right. And in one of them did she	5	Q. What did he say?
6	raise her voice?	6	A. That I needed to control my emotions.
7	A. Yup.	7	That adding, losing my temper or even seeming like
8	Q. The same one in which she said she's	8	it doesn't it closes people down and it
9	angry?	9	makes makes it hard to communicate.
10	A. From what I remember, yes.	10	Q. Have you ever seen that documented
11	Q. All right. And did you tell her she	11	anywhere that you were told?
12	needed to make sure to control her emotions as a	12	A. No.
13	result of her saying in one of those meetings that	13	Q. Wayne Fletcher, when did he raise his
14	she was angry and she raised her voice?	14	voice that you heard?
15	A. Correct.	15	A. Last year.
16	Q. Have you ever heard a male employee at	16	Q. 2018?
17	Shell raising their voice during your entire	17	A. Yeah.
18	employment?	18	Q. Multiple times or just once?
19	A. Yes.	19	 Probably two times.
20	Q. Who?	20	 Q. Anyone else around or just you and
21	A. Wayne Fletcher.	21	Wayne?
22	Q. Anyone else?	22	A. Me and Wayne, and I think there was
23	A. Tom Underholt.	23	one more person.
24	Q. Underholt?	24	Q. Who?
	Page 238		Page 240
1	A. Uh-huh.	1	A. John Goetsch.
2	Q. Yes?	2	Q. Who's he?
3	A. Yes.	3	A. The current process improvement lead.
4	Q. Anyone else?	4	Q. After you were promoted
5	A. Ricky Dake.	5	A. Yeah.
6	Q. Anyone else?	6	Q he took over?
7	A. Danny Echols.	7	Where were you all the two times that
8	Q. Anyone else?	8	this happened?
9	A. No.	9	A. In the hallway.
10	Q. Have you ever raised your voice during	10	Q. In Wellsboro?
11	your entire employment at Shell?	11	A. Yes.
12	A. Yes.	12	Q. And what did you say to Wayne on these
13	Q. Multiple times?	13	occasions in which he raised his voice, anything?
14	A. No.	14	A. To yeah. To calm down.
15	Q. Just once?	15	Q. Uh-huh.
16	A. Yes.	16	A. And that that doesn't it doesn't
17	Q. When?	17	solve anything if you get frustrated and do that.
18	A. I don't recall a specific time.	18	Q. Did you tell him that he needed to
19	Q. Year?	19	learn to control his emotions or he needed to make
20	A. Several years ago.	20	sure he controlled his emotions?
21	Q. Anyone tell you that you needed to	21	A. Yup.
22	learn to control your emotions after you raised	22	Q. How come you didn't just testify to
23	your voice?	23	that when I asked you what you said?
24	A. Yes.	24	A. That he needed to calm down?

	. Silen Exploration & Production Company Apparacina, et al.		HONDO BLAKLET, 6/10/13
	Page 241		Page 243
1	Q. You said that you told him he needed	1	A. Yeah, probably.
2	to calm down and it doesn't help to get	2	Q. Is that why that sticks out in your
3	frustrated. You did not say that you told him he	3	mind, that conversation from 2011?
4	needed to make sure to control his emotions.	4	A. Yeah.
5	A. Those specific words?	5	Q. Ricky Dake, when did you hear him
6	Q. Yeah. Did you say that?	6	raise his voice?
7	A. No. I just said that you would need	7	A. Probably a couple years ago.
8	to calm down. The first when the first of	8	Q. Just once?
9	the two that you're referring to.	9	A. Yeah.
10	Q. And how about the second time, did you	10	Q. Anyone else around?
11	say anything?	11	A. It was in an operations meeting, so
12	A. The second time?	12	there was a few people around.
13	Q. Yeah.	13	Q. Who else?
14	A. I said, "Raised emotions don't help	14	A. Operators.
15	the situation."	15	Q. Who? Who?
16	Q. Did you tell him on either occasion	16	MR. TUCKER: What operators?
17	that he needed to make sure to control his	17	THE WITNESS: Danny Oakes, Jeff
18	emotions?	18	DeHaven, and Rob Skolney.
19	A. No. Not those words.	19	BY MS. GURMANKIN:
20	Q. Tom Underholt, when did he raise his	20	Q. Did you say anything when Ricky raised
21	voice that you heard?	21	his voice?
22	A. 2011.	22	A. Yes.
23	Q. Multiple times?	23	Q. What?
24	A. Once.	24	A. I asked him to calm down and to
			7.11 1.40.104 1.1111 1.0 04.111 4.114 1.0
	Page 242		Page 244
1	Q. Anyone else around?	1	control his emotions when he was talking.
2	A. Yeah. There was a projects engineer.	2	Q. You said specifically he needed to
3	Q. Do you remember the name?	3	control his emotions?
4	A. I don't. I don't recall.	4	A. Yup.
5	Q. Did you I'm sorry?	5	Q. And this was 2016?
6	A. I don't recall.	6	A. Yeah. Probably closer to 2015.
7	Q. Did you say anything when you heard	7	Q. How come you remember that incident
8	Tom raise his voice?	8	specifically from four years ago? Why does that
9	A. Yes.	9	stick out in your mind?
10	Q. What?	10	A. Because you asked for times.
11	A. I said, "Calm down."	11	Q. Uh-huh.
12	Q. Anything else?	12	A. And there are not that many.
13	A. "You don't need to get so angry."	13	Q. Well, what is it about that situation
14	Q. How come that sticks out in your mind	14	that you remember exactly what you said to Ricky
15	what you said in 2011?	15	four years ago?
16	A. Because he was angry.	16	MR. TUCKER: Objection. He's just
17	Q. Very angry?	17	told you why.
18	A. He was angry.	18	THE WITNESS: There weren't that many
19	Q. Did he curse?	19	times. It's rare.
20	A. No.	20	BY MS. GURMANKIN:
21	Q. Was he yelling?	21	Q. What's rare?
22	A. He was visibly upset.	22	A. To have that happen.
23	Q. Is he the angriest that you've seen an	23	Q. Employees raise their voice?
24	employee during your entire employment at Shell?	24	A. Uh-huh.
	•		

	Page 245		Page 247
1	Q. Yes?	1	raising his voice?
2	A. Yes.	2	A. Housekeeping.
3	Q. All right. You've told me about,	3	Q. What?
4	including Jesse, five employees who did it,	4	A. Like, field housekeeping, work
5	including Wayne who did it twice. Each of those	5	related, making sure everybody's area is cleaned
6	situations sticks out in your mind because it's so	6	up and that kind of stuff.
7	rare?	7	Q. Well, what specifically led him to
8	A. Correct.	8	raise his voice or what specifically did he raise
9	Q. Do you ever document any of these	9	his voice about?
10	occasions?	10	A. Housekeeping. That
11	A. Nope.	11	Q. What did he I'm sorry, go ahead.
12	Q. Danny Echols, when did he raise his	12	A. The people needed to do better
13	voice?	13	housekeeping.
14	A. 2010.	14	Q. Is that why he raised his voice?
15	Q. What was the context?	15	A. Yes.
16	A. I don't recall the details of that one	16	Q. When he said that?
17	too much.	17	A. Yeah.
18	Q. Do you recall anything?	18	Q. Is that what he said?
19	A. We had a spill.	19	A. It was around cleanliness,
20	Q. I'm sorry?	20	housekeeping. I don't recall his exact words.
21	 I think we just had a spill. 	21	Q. Tom Underholt, what was he what did
22	Q. Uh-huh.	22	he raise his voice about?
23	 A. And the reporting structure didn't 	23	A. Gosh, I don't recall the exact details
24	work right.	24	of that one either.
	Page 246		Page 248
-			
1	Q. What did he what did he raise his	1	Q. Do you recall any of them?
2	Q. What did he what did he raise his voice about?	1 2	Q. Do you recall any of them?A. I think it was some projects. There
2	voice about?	2	A. I think it was some projects. There
2	voice about? A. I don't recall the details of that	2 3	A. I think it was some projects. There in the beginning of the asset there was some
2 3 4	voice about? A. I don't recall the details of that one. I think high level it was a lack we	2 3 4	A. I think it was some projects. There in the beginning of the asset there was some projects communications about work being done in
2 3 4 5	voice about? A. I don't recall the details of that one. I think high level it was a lack we didn't get a call into the DEP about the spill.	2 3 4 5	A. I think it was some projects. There in the beginning of the asset there was some projects communications about work being done in the field, but I don't remember the details other
2 3 4 5 6	voice about? A. I don't recall the details of that one. I think high level it was a lack we didn't get a call into the DEP about the spill. Q. Did you say anything when he raised	2 3 4 5 6	A. I think it was some projects. There in the beginning of the asset there was some projects communications about work being done in the field, but I don't remember the details other than that.
2 3 4 5 6 7	voice about? A. I don't recall the details of that one. I think high level it was a lack we didn't get a call into the DEP about the spill. Q. Did you say anything when he raised his voice? A. Uh-uh. Q. No?	2 3 4 5 6 7	A. I think it was some projects. There in the beginning of the asset there was some projects communications about work being done in the field, but I don't remember the details other than that. Q. How about the two occasions on which
2 3 4 5 6 7 8	voice about? A. I don't recall the details of that one. I think high level it was a lack we didn't get a call into the DEP about the spill. Q. Did you say anything when he raised his voice? A. Uh-uh. Q. No? A. (Witness nods head.)	2 3 4 5 6 7 8	A. I think it was some projects. There in the beginning of the asset there was some projects communications about work being done in the field, but I don't remember the details other than that. Q. How about the two occasions on which Wayne Fletcher raised his voice that you heard?
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2 3 4 5 6 7 8 9	voice about? A. I don't recall the details of that one. I think high level it was a lack we didn't get a call into the DEP about the spill. Q. Did you say anything when he raised his voice? A. Uh-uh. Q. No? A. (Witness nods head.) Q. You just A. No.	2 3 4 5 6 7 8 9	A. I think it was some projects. There in the beginning of the asset there was some projects communications about work being done in the field, but I don't remember the details other than that. Q. How about the two occasions on which Wayne Fletcher raised his voice that you heard? A. Having to redo PowerPoints. Q. Both times? A. Yeah. Q. What did he say?
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2 3 4 5 6 7 8 9 10 11 12	voice about? A. I don't recall the details of that one. I think high level it was a lack we didn't get a call into the DEP about the spill. Q. Did you say anything when he raised his voice? A. Uh-uh. Q. No? A. (Witness nods head.) Q. You just A. No. MR. TUCKER: Can we just stop? I have to take this call.	2 3 4 5 6 7 8 9 10 11 12	A. I think it was some projects. There in the beginning of the asset there was some projects communications about work being done in the field, but I don't remember the details other than that. Q. How about the two occasions on which Wayne Fletcher raised his voice that you heard? A. Having to redo PowerPoints. Q. Both times? A. Yeah. Q. What did he say? A. He doesn't like redoing PowerPoints. Q. He said that twice?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	voice about? A. I don't recall the details of that one. I think high level it was a lack we didn't get a call into the DEP about the spill. Q. Did you say anything when he raised his voice? A. Uh-uh. Q. No? A. (Witness nods head.) Q. You just A. No. MR. TUCKER: Can we just stop? I have to take this call.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. I think it was some projects. There in the beginning of the asset there was some projects communications about work being done in the field, but I don't remember the details other than that. Q. How about the two occasions on which Wayne Fletcher raised his voice that you heard? A. Having to redo PowerPoints. Q. Both times? A. Yeah. Q. What did he say? A. He doesn't like redoing PowerPoints. Q. He said that twice? A. On different occasions, yeah. Q. He said I don't like doing redoing
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	voice about? A. I don't recall the details of that one. I think high level it was a lack we didn't get a call into the DEP about the spill. Q. Did you say anything when he raised his voice? A. Uh-uh. Q. No? A. (Witness nods head.) Q. You just A. No. MR. TUCKER: Can we just stop? I have to take this call. VIDEOGRAPHER: We're now going off the record at 2:18 p.m (Whereupon, a recess was taken from	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I think it was some projects. There in the beginning of the asset there was some projects communications about work being done in the field, but I don't remember the details other than that. Q. How about the two occasions on which Wayne Fletcher raised his voice that you heard? A. Having to redo PowerPoints. Q. Both times? A. Yeah. Q. What did he say? A. He doesn't like redoing PowerPoints. Q. He said that twice? A. On different occasions, yeah. Q. He said I don't like doing redoing PowerPoints twice in a raised voice on two separate occasions?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	voice about? A. I don't recall the details of that one. I think high level it was a lack we didn't get a call into the DEP about the spill. Q. Did you say anything when he raised his voice? A. Uh-uh. Q. No? A. (Witness nods head.) Q. You just A. No. MR. TUCKER: Can we just stop? I have to take this call. VIDEOGRAPHER: We're now going off the record at 2:18 p.m. (Whereupon, a recess was taken from 2:18 p.m. until 2:19 p.m.)	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I think it was some projects. There in the beginning of the asset there was some projects communications about work being done in the field, but I don't remember the details other than that. Q. How about the two occasions on which Wayne Fletcher raised his voice that you heard? A. Having to redo PowerPoints. Q. Both times? A. Yeah. Q. What did he say? A. He doesn't like redoing PowerPoints. Q. He said that twice? A. On different occasions, yeah. Q. He said I don't like doing redoing PowerPoints twice in a raised voice on two separate occasions? A. Yup. Q. All right. Back to paragraph 33 in Exhibit 7, second sentence. "Blakley also"
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	voice about? A. I don't recall the details of that one. I think high level it was a lack we didn't get a call into the DEP about the spill. Q. Did you say anything when he raised his voice? A. Uh-uh. Q. No? A. (Witness nods head.) Q. You just A. No. MR. TUCKER: Can we just stop? I have to take this call. VIDEOGRAPHER: We're now going off the record at 2:18 p.m. (Whereupon, a recess was taken from 2:18 p.m. until 2:19 p.m.) VIDEOGRAPHER: We're now back on the record, 2:19 p.m.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I think it was some projects. There in the beginning of the asset there was some projects communications about work being done in the field, but I don't remember the details other than that. Q. How about the two occasions on which Wayne Fletcher raised his voice that you heard? A. Having to redo PowerPoints. Q. Both times? A. Yeah. Q. What did he say? A. He doesn't like redoing PowerPoints. Q. He said that twice? A. On different occasions, yeah. Q. He said I don't like doing redoing PowerPoints twice in a raised voice on two separate occasions? A. Yup. Q. All right. Back to paragraph 33 in Exhibit 7, second sentence. "Blakley also" MR. TUCKER: Bear with me one sec.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	voice about? A. I don't recall the details of that one. I think high level it was a lack we didn't get a call into the DEP about the spill. Q. Did you say anything when he raised his voice? A. Uh-uh. Q. No? A. (Witness nods head.) Q. You just A. No. MR. TUCKER: Can we just stop? I have to take this call. VIDEOGRAPHER: We're now going off the record at 2:18 p.m. (Whereupon, a recess was taken from 2:18 p.m. until 2:19 p.m.) VIDEOGRAPHER: We're now back on the record, 2:19 p.m.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I think it was some projects. There in the beginning of the asset there was some projects communications about work being done in the field, but I don't remember the details other than that. Q. How about the two occasions on which Wayne Fletcher raised his voice that you heard? A. Having to redo PowerPoints. Q. Both times? A. Yeah. Q. What did he say? A. He doesn't like redoing PowerPoints. Q. He said that twice? A. On different occasions, yeah. Q. He said I don't like doing redoing PowerPoints twice in a raised voice on two separate occasions? A. Yup. Q. All right. Back to paragraph 33 in Exhibit 7, second sentence. "Blakley also" MR. TUCKER: Bear with me one sec.

	Page 249		Page 251
1	MS. GURMANKIN: Uh-huh.	1	
2	THE WITNESS: Page 11.	2	Q. Are there any respects in which you did not believe that he was a good supervisor?
3	MR. TUCKER: Go ahead. I'm sorry.	3	A. No.
4	BY MS. GURMANKIN:	4	A. 110.
5	Q. "Blakley also told Plaintiff that	5	(Whereupon, Exhibit 8 was marked for
6	Turney was inappropriate and not qualified to be a	6	identification by Ms. Gurmankin.)
7	supervisor." I'll stop there for a sec.	7	
8	Did you tell that to Jesse?	8	BY MS. GURMANKIN:
9	A. No.	9	Q. All right. You're being shown what's
10	Q. At any point?	10	been marked as Exhibit 8. This is Shell's Answer
11	A. No.	11	to Jesse's Complaint. Have you seen this before?
12	Q. It goes on to say, "and that she	12	
13	should start documenting Turney's conduct."	13	(Pause)
14	Did you tell Jesse at any point that	14	
15	she should start documenting what Turney was	15	MR. TUCKER: What's your question
16	doing?	16	again, Counselor?
17	A. No.	17	MS. GURMANKIN: Has he seen it before.
18	Q. The next sentence, "Blakley	18	THE WITNESS: I don't recall seeing
19	acknowledged that Plaintiff was the lowest-paid	19	this.
20	maintenance analyst."	20	BY MS. GURMANKIN:
21	Did you ever tell Jesse that?	21	Q. All right. Can you go to paragraph
22	A. No.	22	32?
23	Q. Did you believe that she was the	23	A. What page?
24	lowest-paid maintenance analyst?	24	MR. TUCKER: 12.
	Page 250		Page 252
1	A. I don't know what other maintenance	1	BY MS. GURMANKIN:
2	analysts get paid.	2	Q. Are you with me?
3	Q. So you don't have a belief about that?	3	A. Okay. Yeah.
4	 I don't have enough data. 	4	Q. Okay. Second sentence, "To the
5	Q. Did you believe did you ever	5	contrary, Plaintiff complained that Mr. Turney was
6	believe that Turney was inappropriate?	6	a, quote, micromanager, and that she wanted to
7	A. No.	7	perform certain tasks that he had assigned to
8	 Q. Did you ever believe that he was not 	8	others on her team rather than the tasks she had
9	qualified to be a supervisor?	9	been assigned."
10	A. No.	10	I read that correctly?
11	Q. Did you believe that he was a good	11	A. You did.
12	supervisor based on your working with him?	12	Q. Did Jesse ever complain to you that
13	A. I believe he met the qualifications to	13	Turney was a micromanager?
14	be a supervisor.	14	A. Not that I recall.
15	Q. Did you believe he was a good	15	Q. Last sentence says, "At no time did
16	supervisor?	16	Plaintiff mention to Mr. Blakley anything about
17	A. What's your definition of good?	17	issues relating to sexual harassment or
18	Q. What's your definition of good	18	discriminatory treatment."
19	supervisor?	19	Is that correct?
20	A. He showed up every day, done his job,	20	A. At no time did that's correct.
21	kept everybody safe, and managed the day-to-day	21	Q. All right. Paragraph 33, second
	maintenance operations.	22	sentence, "By way of further response, Mr." and
22	0 0		
22 23 24	Q. So was he a good supervisor?A. In that respect, yes.	23	I assume it should be Blakley "once suggested to Plaintiff, in an effort to coach her, that she

	Page 253		Page 255
1	try to control her emotions when dealing with	1	with Turney?
2	teammates, which was in response to Plaintiff	2	A. Yes.
3	yelling at two of her teammates when they made	3	Q. Did you speak with Turney about being
4	minor mistakes."	4	more clear when he gave direction?
5	Did I read that correctly?	5	A. I did.
6	A. Where are you?	6	Q. Is that documented anywhere?
7	Q. Second sentence in paragraph 33. It	7	A. No.
8	starts with "By way of further response."	8	Q. At some point you learned that Jesse
9	A. Oh, okay. Go ahead.	9	has made a complaint to the company, correct?
10	Q. "By way of further response, Mr."	10	A. Yes.
11	and again, I assume it should say Blakley "once	11	Q. Okay. And who do you learn that from?
12	suggested to Plaintiff, in an effort to coach her,	12	A. Steve Craig.
13	that she try to control her emotions when dealing	13	Q. When?
14	with teammates, which was in response to Plaintiff	14	A. It would have been around the same
15	yelling at two of her teammates when they made	15	time that Megan interviewed me. Probably just
16	minor mistakes."	16	before that.
17	I read that correctly?	17	Q. All right. So the date on Megan's
18	A. Yes.	18	interview notes says that she interviewed you on
19	Q. Is that true?	19	12/7/2016, and you testified that you don't have
20	 Trying to control emotions is correct. 	20	any reason to dispute that. Can you tell me about
21	I don't recall yelling at her two teammates.	21	how much before then Steve Craig told you that
22	 Q. But you don't recall every knowing 	22	Jesse had made a complaint?
23	that information; is that correct?	23	A. I don't recollect how much before
24	A. Yeah.	24	then.
	Page 254		Page 256
1	MR. TUCKER: You asked if he recalled	1	Q. Do you recall if it was days or weeks?
2	it. He doesn't recall it is what he said.	2	A. I don't.
3	THE WITNESS: Yes. I don't recall.	3	Q. Where were you when Steve Craig told
4	BY MS. GURMANKIN:	4	_ · · · · · · · · · · · · · · · · · · ·
5	Q. I'm sorry?		you?
		5	you? A. In the office.
6	A. I don't recall.	5 6	-
6 7	A. I don't recall.Q. As you sit here today, do you recall		A. In the office.
	A. I don't recall.	6	A. In the office. Q. Where were you specifically?
7	A. I don't recall.Q. As you sit here today, do you recall	6 7	A. In the office.Q. Where were you specifically?A. I don't recall the specific spot.
7 8	A. I don't recall. Q. As you sit here today, do you recall ever hearing from anyone at Shell that she yelled	6 7 8	A. In the office.Q. Where were you specifically?A. I don't recall the specific spot.Q. But it was an in-person discussion?
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	Page 257		Page 259
1	interviewed?	1	the meeting start? What did she say to you?
2	A. As part of the investigation.	2	MR. TUCKER: Is there a particular
3	Q. Yes. Okay. Anything else?	3	thing you're drawing his attention to on
4	A. I don't recall, no.	4	Exhibit 5 or are you just
5	Q. Between that conversation and the	5	MS. GURMANKIN: No, not yet.
6	conversation or the interview that you had with	6	THE WITNESS: Can you repeat the
		7	• • •
7	Megan Kloosterman on 12/7/2016, did you talk to	8	question? BY MS. GURMANKIN:
8	anyone else at Shell about Jesse's complaint?		
9	A. No.	9	
10	OAN-comment	10	What did she say to you? How did
11	(Whereupon, Exhibit 9 was marked for	11	how did it start? Did she explain what the
12	identification by Ms. Gurmankin.)	12	purpose was?
13		13	A. First it was standard introduction and
14	BY MS. GURMANKIN:	14	then she did give a description of the purpose.
15	Q. I'm showing you what's marked	15	Q. What did she say?
16	what's been marked as Exhibit 9, Shell 1106	16	A. That there had been a complaint that
17	through Shell 1110.	17	she was investigating and following up on.
18	Have you seen this before today?	18	Q. Did she tell you anything about the
19	A. No.	19	nature of the complaint in the intro?
20	Q. All right. So how is it that your	20	A. I don't recall. No, I don't recall.
21	interview is set up with Megan Kloosterman?	21	Q. Before you met with her, you knew that
22	MR. TUCKER: You mean scheduled?	22	she worked at Shell, right?
23	MS. GURMANKIN: Yeah.	23	A. Yes.
24	THE WITNESS: I want to say meeting	24	Q. How did you know that?
	Page 258		Page 260
1	notice.	1	A. When Steven told me that there was an
			A When Sieven loid the that there was an
2	BY MS. GURMANKIN:		
2	BY MS. GURMANKIN:	2	investigation, he just made the statement that HR
3	Q. I'm sorry?	2	investigation, he just made the statement that HR would be investigating.
3 4	Q. I'm sorry?A. Meeting notice.	2 3 4	investigation, he just made the statement that HR would be investigating. Q. All right. Do you see section two
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Page 261 Page 263 1 on a daily basis, sometimes down to the hours." 1 Α. Yes. 2 What does that mean "sometimes down to 2 Did she tell you inappropriate how? 3 the hours"? 3 Α. Yeah. There were some details. 4 Just how long -- how much I work with 4 Q. What did she tell you? Α. 5 him. So if it was hourly, daily, weekly. It was 5 Α. He was hitting on her, flirting with 6 6 sometimes hourly. her, things like that. 7 And the next paragraph, according to 7 Based on what she was telling you, did Q. 8 8 Megan, you told her about Jesse. "I think it's a you believe that was violating company 9 9 good relationship. She has come to me before in policy? 10 the past with other issue, for advice, and I have 10 A. Based off of her -- what she told me, 11 helped her through stuff." 11 I didn't have enough to judge one way or the 12 Is there anything that you meant by 12 other, I just knew it needed to be turned in. 13 that other than what we've already talked about? 13 Why? Why did you come to that 14 A. Yes. 14 conclusion? 15 15 What else? Q. Because if there's a possibility for 16 16 A. She came to me prior to -- when she harassment, then you have to turn it in. There's 17 17 was a contractor about an alleged sexual no question. 18 harassment issue, and I helped her through that. 18 Q. Okay. That's the policy? 19 19 A. Yes. Q. Who was she complaining about? 2.0 A. 20 Q. Because it's a zero-tolerance policy at Shell? 21 Q. Anyone else? 21 22 A. Not to me. 22 Α. Yup. 23 Q. Did you become aware that she 23 Q. And you were aware of that? 24 complained to other people? 2.4 Α. Absolutely. Page 262 Page 264 1 A. Yes. 1 Okay. Who did you turn it in to? 2 About who? 2 David Summers. Q. Α. 3 3 Q. Who was he? A. 4 Q. But she didn't complain to you about 4 The acting production superintendent. Α. 5 5 that? Q. Did you have a conversation with him? 6 Α. No. 6 Α. We did. 7 Q. How did you find out that she was 7 At some point does Jesse send to you 8 complaining about 8 the text messages that had sent to her that 9 We talked about it after the fact. 9 Α. she says are inappropriate? 10 Q. You and Jesse? 10 Α. 11 A. Yeah. After the complaint was 11 Q. Did you ever see them? 12 12 official. Α. Yes. 13 Q. All right. So at some point she comes 13 Q. How? 14 to you and complains about 14 Α. From her phone. 15 Α. Correct. 15 Q. She showed you on her phone? 16 Q. What does she tell you about 16 A. 17 17 Q. Other than that conversation that you 18 That he had sent her some 18 had with Jesse and then your subsequent Α. 19 inappropriate text messages and I responded, "We 19 conversation with David Summers, did you speak 20 need to turn it in." 20 with anyone else about Jesse's complaint to you She sent you the text messages? 21 21 Q. about Α. 2.2 22 Α. David Summers asked me about it on one 23 23 Q. She just comes to you and says he sent other occasion, if I had known -- knew anything 24 her inappropriate text messages? 24 else, but other than that, I did not have any

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	Page 265		Page 267
1	other conversations.	1	Q after the fact?
2	Q. And at some point when you say at	2	A. No, no. she
3	some point after the fact we had a conversation	3	everybody had been made aware of
4	with Jesse about	4	. So after the fact was I was made
5	A. Yes.	5	aware of it after it was turned in.
6	Q. Can you tell me about that?	6	went with her to turn it in.
7	A. After it had been turned in, she	7	Q. Before she talks to you about
8	initiated a conversation, asked if I knew about	8	did you know anything about allegations she
9	it. I said that I did not officially know	9	was making against ?
10	anything.	10	A. That was prior to, yes.
11	Q. She asked if you knew about what?	11	Q. Okay. So she comes to you first about
12	A. If I knew about the complaint against	12	,
13		13	A. No.
14	Q. And you said?	14	Q. All right. Then you have to help me
15	A. I had not nobody had officially	15	out here. I'm confused. Go through the
16	said anything yet.	16	chronology with me.
17	Q. Had anyone unofficially said	17	MR. TUCKER: Listen explain do
18	something?	18	you mind if he just explains it?
19	A. You always have the rumor mill.	19	MS. GURMANKIN: No. That's fine.
20	Q. What did you hear in the rumor mill?	20	MR. TUCKER: Explain the order,
21	A. I actually hadn't heard nothing.	21	please.
22	Q. Okay. So you didn't hear anything	22	THE WITNESS: Timeline?
23	officially or unofficially?	23	MS. GURMANKIN: Yeah.
24	A. No.	24	THE WITNESS: had
	7 140.	24	THE WITNESS.
	Page 266		Page 268
1	Q. All right. At some point after that	1	made the IM's and she had turned it in
2	conversation with Jesse, do you learn anything	2	through alternate means other than myself.
3	about her allegations against	3	BY MS. GURMANKIN:
4	A. She told me about them.	4	Q. Do you know how?
5	Q. What did she tell you?	5	A. I don't know for sure.
6	A. That he had IM'd her and approached	6	Q. Okay.
7	her via the IM on our computers.	7	A. I heard about that after the fact or
8	Q. Do you do anything with that	8	after the fact that it was turned in.
9	information?	9	Q. Okay. From whom?
10	A. I made sure that the superintendent at	10	A. From yes.
11	the time was aware of it.	11	Q. From Jesse?
12	Q. Summers?	12	A. Yes.
13	A. Yes.	13	Q. Okay.
14	Q. Did Jesse send you anything in writing	14	A. That had then after that occurred,
15	regarding her allegations about	15	David Summers was fixing to move on and
16	A. Not that I recall.	16	was there as the field supervisor and she came to
17	Q. And her coming to you about	17	me about And we immediately turned it
18	, that was after you had talked to	18	over to the production superintendent.
19	Summers about her allegations about	19	Q. Okay.
20	A. No. I think was	20	
21	first.	21	(Whereupon, Exhibit 10 was marked for
22	Q. All right. But you had said	22	identification by Ms. Gurmankin.)
23	Was	23	
24	A. No.	24	BY MS. GURMANKIN:

Page 269 Page 271 1 Q. You are being shown what's been marked 1 Α. Yeah. 2 as Exhibit 10. This is Bates stamped Shell 76 2 Q. -- "said that he did not want me to 3 3 through 78. The first page is an email first that get mad at him, but wanted to be upfront about his 4 4 Jesse sends to you on April 12 -- 12th, 2013 and marriage and his intentions on wanting to continue 5 5 then you forward that to David Summers on that to flirt with me. I then replied, quote, Wow. 6 6 same date. Well, good luck with that. He persistently tried 7 Do you see that on the first page? 7 communicating with me throughout the day in fear I 8 8 Α. may be mad at him. He stated, quote, cat got my 9 9 tongue if I did not respond. I tried my best not And on the second page is a statement 10 from Jesse that it appears that she signed on that 10 to communicate with him because of 11 date. Do you see that? 11 position within the company. I was afraid that I 12 may anger him by not replying. He referred to me 12 Yup. Α. 13 Q. Do you remember where this came in the 13 as his, quote, friend that he flirted with." 14 order? 14 You saw that when you read it? 15 15 A. This was the IM initially. Α. That was -- it was after it was turned 16 16 Q. Right. But you saw that in her in. Q. After she --17 statement when you got it? 17 18 Α. Had told somebody that he had made 18 Α. Uh-huh. 19 19 approaches. Q. When she sent it to you, yes? 20 And is this after Jesse tells us that 20 A. Uh-huh. she's made complaints about 21 Right? 21 Q. 22 22 Α. Correct. A. Correct. 23 Did you talk to anyone about it? 23 Q. Before she comes to you about Q. 24 24 Α. This statement? Page 270 Page 272 1 Yes. 1 Q. Yeah. Α. 2 2 Q. Okay. Α. No. 3 3 Q. At any point? A. Yes. 4 Q. Do you know why she's sending this to 4 A. Not that I recall. 5 5 To your knowledge, was there an vou? Q. 6 6 This was right in the very beginning, investigation conducted into Jesse's allegations 7 7 after she had told people about it, and she about and trusted me to do the right thing. 8 Α. ¯ To my knowledge, yes. 8 9 9 But do you know specifically why she's Q. And how did you find out about it? Q. 10 sending her statement to you? 10 Α. David Summers --11 I don't recall specifically. 11 Q. He told you? A. 12 Q. You read it when she sent it to you? 12 Α. -- said that -- said there would have 13 A. Did I? 13 to be an investigation. 14 Q. Uh-huh. 14 Q. Was there an investigation, to your 15 15 A. Yes. knowledge? 16 Q. And you saw in the second paragraph 16 Other than David Summers telling me 17 flirted with her. 17 there would be one, I don't know. that she says that 18 MR. TUCKER: Where it says, "He 18 Q. was a field supervisor at 19 19 referred to me as his, quote, friend, close that point? 20 quote, that he flirted with"? 20 A. He was. 21 21 BY MS. GURMANKIN: Q. And do you know 22 No, before then. Do you see in the 22 what position he was in? fourth sentence it says, " then over 23 A. He was also a field supervisor. 23 24 24 communicator" -- do you see that? Do you know if was promoted

	Page 273	Page 275
1	at any point after these allegations?	1 Q. How did you know that they both left?
2	A. He was.	2 A. There was announcements.
3	Q. To what?	3 Q. About both of them?
4	A. Production superintendent.	4 A. Yes.
5	Q. When was that?	5 Q. Do you remember what they said?
6	A. Probably around the beginning of 2014.	6 A. It was a standard community meeting
7	Q. To your knowledge, was	7 that would no longer was no longer
8	promoted at any point after these	8 employed for Shell, and that they would be looking
9	allegations?	9 for his backfill.
10	A. No.	10 Q. At some point was there a similar
11	Q. You don't know?	11 announcement about ?
12	A. To my knowledge, no.	12 A. Yes.
13	Q. Did you have any concerns when you	13 Q. All right. Going back to the
14	heard that was promoted, given the	14 interview notes about your meeting with
15	allegations that Jesse had made?	15 Kloosterman, is there anything else that you were
16	A. No.	referencing when you told Kloosterman that Jesse
17	Q. How come?	had come to you before in the past with other
18	A. It was after the fact and I just	18 issues for advice and I have helped her through
19	didn't think about it.	19 stuff?
20	Q. Any other conversations that you had	20 MR. TUCKER: I'm sorry. Can we start
21	with Jesse or David Summers or anyone else from	21 that over again? Can you just read that
22	the company about her allegations regarding or	22 back?
23	other than what we talked about?	23 MS. GURMANKIN: Sure. I'll do it
24	A. Not that I recall.	24 again.
	Page 274	Page 276
1		
1 2	Q. Did you ever follow up with anyone to	
	Q. Did you ever follow up with anyone to	1 MR. TUCKER: Okay.
2	Q. Did you ever follow up with anyone to see if the company took any action against and	1 MR. TUCKER: Okay. 2 BY MS. GURMANKIN:
2	Q. Did you ever follow up with anyone to see if the company took any action against and in connection with Jesse's	1 MR. TUCKER: Okay. 2 BY MS. GURMANKIN: 3 Q. Is there anything else other than what
2 3 4	Q. Did you ever follow up with anyone to see if the company took any action against in connection with Jesse's allegations?	1 MR. TUCKER: Okay. 2 BY MS. GURMANKIN: 3 Q. Is there anything else other than what 4 we just talked about with and and and
2 3 4 5	Q. Did you ever follow up with anyone to see if the company took any action against and in connection with Jesse's allegations? A. No.	1 MR. TUCKER: Okay. 2 BY MS. GURMANKIN: 3 Q. Is there anything else other than what 4 we just talked about with and and the other issues we talked about with what Jesse
2 3 4 5 6	Q. Did you ever follow up with anyone to see if the company took any action against and in connection with Jesse's allegations? A. No. Q. Are they both still employed?	1 MR. TUCKER: Okay. 2 BY MS. GURMANKIN: 3 Q. Is there anything else other than what 4 we just talked about with and and 5 the other issues we talked about with what Jesse 6 spoke to you about in 2016 that you meant her when
2 3 4 5 6 7	Q. Did you ever follow up with anyone to see if the company took any action against and in connection with Jesse's allegations? A. No. Q. Are they both still employed? A. No.	1 MR. TUCKER: Okay. 2 BY MS. GURMANKIN: 3 Q. Is there anything else other than what 4 we just talked about with and and 5 the other issues we talked about with what Jesse 6 spoke to you about in 2016 that you meant her when 7 you told Kloosterman, according to her notes, that
2 3 4 5 6 7 8	Q. Did you ever follow up with anyone to see if the company took any action against and in connection with Jesse's allegations? A. No. Q. Are they both still employed? A. No. Q. When did leave?	MR. TUCKER: Okay. BY MS. GURMANKIN: Q. Is there anything else other than what we just talked about with and and and the other issues we talked about with what Jesse spoke to you about in 2016 that you meant her when you told Kloosterman, according to her notes, that Jesse had comes to you before in the past with
2 3 4 5 6 7 8 9	Q. Did you ever follow up with anyone to see if the company took any action against and in connection with Jesse's allegations? A. No. Q. Are they both still employed? A. No. Q. When did leave? A. 2014.	1 MR. TUCKER: Okay. 2 BY MS. GURMANKIN: 3 Q. Is there anything else other than what 4 we just talked about with and and and 5 the other issues we talked about with what Jesse 6 spoke to you about in 2016 that you meant her when 7 you told Kloosterman, according to her notes, that 8 Jesse had comes to you before in the past with 9 other issues for advice and you have helped her
2 3 4 5 6 7 8 9	Q. Did you ever follow up with anyone to see if the company took any action against and in connection with Jesse's allegations? A. No. Q. Are they both still employed? A. No. Q. When did leave? A. 2014. Q. Do you know why?	MR. TUCKER: Okay. BY MS. GURMANKIN: Q. Is there anything else other than what we just talked about with and and the other issues we talked about with what Jesse spoke to you about in 2016 that you meant her when you told Kloosterman, according to her notes, that Jesse had comes to you before in the past with other issues for advice and you have helped her through stuff?
2 3 4 5 6 7 8 9 10	Q. Did you ever follow up with anyone to see if the company took any action against and in connection with Jesse's allegations? A. No. Q. Are they both still employed? A. No. Q. When did leave? A. 2014. Q. Do you know why? A. I don't.	MR. TUCKER: Okay. BY MS. GURMANKIN: Q. Is there anything else other than what we just talked about with and and the other issues we talked about with what Jesse spoke to you about in 2016 that you meant her when you told Kloosterman, according to her notes, that Jesse had comes to you before in the past with other issues for advice and you have helped her through stuff? A. Not that I recall.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Did you ever follow up with anyone to see if the company took any action against and in connection with Jesse's allegations? A. No. Q. Are they both still employed? A. No. Q. When did leave? A. 2014. Q. Do you know why? A. I don't. Q. Do you know whether he resigned or was terminated? A. No. Q. How about , is he still there? A. No. Q. When did he leave?	BY MS. GURMANKIN: Q. Is there anything else other than what we just talked about with and and the other issues we talked about with what Jesse spoke to you about in 2016 that you meant her when you told Kloosterman, according to her notes, that Jesse had comes to you before in the past with other issues for advice and you have helped her through stuff? A. Not that I recall. MR. TUCKER: I'm sorry, Counsel. What exhibit number is Kloosterman? That's where I'm lost. MS. GURMANKIN: Five. MR. TUCKER: That's where I'm lost. MS. GURMANKIN: Oh, sure. MR. TUCKER: Now, what page number on
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	Page 277		Page 279
1	allegations about	1	along"?
2	A. Not to my knowledge.	2	A. Yes.
3	Q. Did you ever follow up with anyone at	3	Q. Would she she goes on to write,
4	the company to see if anything was done regarding	4	"The team as a whole isn't too bad. In the past I
5	her allegations about and and ?	5	have tried to coach Will to get higher up than he
6	A. No.	6	was. Trying to be friends. Too chummy maybe with
7	Q. Okay. Under Perceptions of the	7	the employees." I'll stop there for a sec.
8	Team/Work Environment do you see where I am?	8	Did you tell her that?
9	A. Yes.	9	A. Yes.
10	Q. Second sentence Kloosterman writes,	10	Q. What did you mean by that?
11	"In some cases I see Jesse has issues with some of	11	A. There should be a bit of a separation
12	the schedulers. It seems like there's always a	12	in between a supervisor and employee. Sometimes a
13	rift between Dan/Jesse."	13	
		14	supervisor can get, like I said, to be friends
14	Is that what you told Kloosterman?		with employees; and then when you have to be a
15	MR. TUCKER: I'm having trouble	15	supervisor, it makes it more difficult.
16	keeping up. You're on Exhibit 5 you're	16	Q. And did you think that was an issue
17	Exhibit 5, what page?	17	with Turney's supervising?
18	MS. GURMANKIN: Page one.	18	A. I wouldn't go I wouldn't say that
19	MR. TUCKER: Page one still. Okay.	19	it was an issue, it just was an improvement
20	And could you tell me exactly where you just	20	opportunity.
21	read from, Counsel?	21	Q. Well, according to Kloosterman's
22	MS. GURMANKIN: Yeah. Under	22	note
23	Perceptions of the Team/Work Environment,	23	MS. GURMANKIN: Bless you.
24	second sentence.	24	MR. TUCKER: Thank you.
	Page 278		Page 280
1	MR. TUCKER: Okay. I got it. Thank	1	BY MS. GURMANKIN:
2	you.	2	Q. You said that you tried to get
3	MS. GURMANKIN: Uh-huh.	3	you've tried to coach Will to get up higher than
4	THE WITNESS: So your question was	4	he was. Trying to be friends. Too chummy maybe
5	around what again?	5	with the employees.
6	BY MS. GURMANKIN:	6	Did you think that Will was too chummy
7	Q. Was that what you told Kloosterman,	7	with his employees at this point?
8	that Jesse has issues with some of the schedulers?	8	MS. GURMANKIN: Bless you.
9	A. Yes. Yes.	9	MR. TUCKER: Thank you.
10	Q. Did you mean anyone other than Dan	10	THE WITNESS: I think there were
11	Krise?	11	examples that I had seen and when I was
12	A. Dan Krise?	12	trying to coach him there were just examples
13	Q. Krise.	13	of that I could reference where he needed to
14	A. That's who I was referring to.	14	get up a little bit higher.
15	Q. And he was a scheduler at the time?	15	BY MS. GURMANKIN:
16	A. Yes.	16	Q. Who did you think he was too chummy
17	Q. Is what you told Kloosterman here	17	with?
18	based on Jesse's complaints to you about Dan?	18	A. I don't know that there was any one in
19	A. Yes.	19	particular person. It was more of a philosophy.
20	Q. Was it based on anything other than	20	Q. I'm not sure I understand that. Can
21	Jesse's complaints to you about Dan?	21	you explain it?
22	A. No.	22	A. When you try to be a good leader, you
23	Q. Did you tell Kloosterman what she	23	try to know your employees and know their know
24	writes here, "I don't know why, but they don't get	24	their wives, know their children, things of that
	miles here, i dentification why, but they dentified		a.e arvee, area area emarch, allings or that

1			
	Page 281		Page 283
1	nature, to have a connection. Sometimes if	1	We'll have to do that name later.
2	there's there's a there should be an	2	And Ken Phelps.
3	opportunity to draw a line there where where	3	Q. Were those all of his direct reports?
4	there's still a border in between employee and	4	A. Yeah.
5	supervisor. So too chummy was just a high level	5	Q. So you thought he did it with all of
6	phrase that I used to say, you know, if you're	6	his direct reports?
7	get too close to employees, then it's difficult to	7	A. Say that again.
8	be a supervisor.	8	Q. You thought he did this with all of
9	Q. All right. But you didn't think that	9	his direct reports that led you to conclude
10	Will was too chummy with any actual employees as	10	A. Yup.
11	of this time?	11	Q that he was too chummy with his
12	A. It was just a philosophy that he used	12	employees?
13	that I was referencing	13	A. Yeah.
14	Q. And it	14	Q. Okay. Luke's last name?
15	A not any one person.	15	A. I'm trying to remember.
16	Q. Okay. And how was that how did	16	I don't remember Luke's last name.
17	how was that demonstrated, his philosophy that he	17	Q. Male?
18	was or your opinion that his philosophy was	18	A. Yes.
19	that he was too chummy with his employees?	19	Q. Brian, his last name?
20	A. How was that demonstrated?	20	A. He doesn't work there either. I don't
21	Q. Uh-huh. What led you to conclude that	21	remember his last name. I can see his face, but I
22	there was a philosophy?	22	can't remember his last name.
23	A. Well, if I sat in meetings, you know,	23	Q. All right. Also male?
24	there was maybe some joking or some stuff like	24	A. Yes.
21	there was maybe some joking of some stan like		Α. 163.
	Page 282		Page 284
1	that.	1	Q. Other than Luke, Brian, Ken Foreman,
2			
	() What other stuff like that?	2	
3	Q. What other stuff like that? A. Stuff like joking?	2 3	Jesse, Eric Pequignot, and Ken Phelps, did Turney
3 4	A. Stuff like joking?	3	Jesse, Eric Pequignot, and Ken Phelps, did Turney have any other direct reports as of 2016?
4	A. Stuff like joking?Q. Yeah.	3 4	Jesse, Eric Pequignot, and Ken Phelps, did Turney have any other direct reports as of 2016? A. Yeah.
4 5	A. Stuff like joking?Q. Yeah.A. Or yeah, mainly it's joking in some	3 4 5	Jesse, Eric Pequignot, and Ken Phelps, did Turney have any other direct reports as of 2016? A. Yeah. Q. Who else?
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Stuff like joking? Q. Yeah. A. Or yeah, mainly it's joking in some of the conversations or have expecting people to do stuff without having that supervisor I-need-you-to-do-it-type attitude. You know, like he'll do it just because, you know, there's got to be expectations set, things like that. Q. Anything else? A. Not that I recall. Q. And who did you hear him doing this stuff with? A. The maintenance group. Q. Who? A. Luke, Brian, Ken Ken Foreman sometimes. Even even Jesse in the maintenance meetings. Q. Anyone other than Luke, Brian, Ken Foreman, and Jesse? A. Eric Pequignot.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Jesse, Eric Pequignot, and Ken Phelps, did Turney have any other direct reports as of 2016? A. Yeah. Q. Who else? A. I don't know. I'm not even I'm not going to try to name them all. I mean, there was there was a number of people that was direct reports over him. If I even tried I mean, there was probably 20 people that reported to him. Q. Anyone else that you can think of? A. Calvin Flynn. Q. Was Shane Solinger another one? A. No. Shane never reported to him. Q. Dan Krise? A. Yes. Q. Mark Hoover? A. No. Q. Anyone else? Matt Empsen? A. No. Q. Jeremy Greene?

Page 287

Page 288

Page 285

- A. No. I can't recollect anybody else.
- Q. Okay. Back to Exhibit 5. Last sentence in that paragraph that we were looking at. "On a regular basis with Dan, I think it's a personality conflict."

Were you relating to Megan that you thought the issues that Jesse was complaining about with Dan were personality conflict?

A. Yes.

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- Q. And what was your basis for believing that it was a personality conflict?
- A. Some of the prior complaints that she had talked to me about as far as like stinking, those kind of things. It's not work related.
- Q. But that's not a personality conflict as much as she thought he smelled, right?
- A. It probably should say personal conflict.
 - Q. Okay. Is that what you believe?
 - A. That's what I meant.
 - Q. Did you tell Megan that Jesse's
- complaints about Dan were that he was stinky andthat his leek dip that he brought in smelled?
- A. I don't recall if I went into detail

- A. I don't recall if I went into that
- 2 much detail.

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- Q. Did you go into any details?
- A. Other than what's written here, I don't remember.
- Q. And you don't remember telling
- Kloosterman that you had no personal knowledge ofthat?
 - A. Right.
 - Q. Do you remember if she actually asked you what Jesse got so angry about one time that she got sent home to take a break?
 - A. I don't know that I remember she even asked me.
- Q. It goes on to say, "She was so angry she was crying when talking to me."

Did you tell Kloosterman at one point that Jesse was so angry when she was talking to you that she was crying?

- A. In one of those conversations that we previously discussed, she did have some tears, so I used the word crying.
- Q. Okay. And that was part of your basis for saying that Jesse was angry in those meetings,

Page 286

like that. Into that detail.

Q. All right. Under section a., the question at the bottom of the first page. It says, "Jesse shared that you have coached her to control her temper. Can you share details on this?"

And she relates that you said, "She has come to me when she had issues with Will. She was upset because he would just tell her things that were wrong. She got so angry one time that she got sent home to take a break." I'll stop there for a sec.

Did you tell Kloosterman that Jesse got so angry one time that she got sent home to take a break?

- A. Yeah.
- Q. And was that in connection with Steve Craig telling you that --
- 19 A. Correct.
- Q. -- that he sent her home after her outburst?
- 22 A. Yeah.
- Q. Did you tell Kloosterman that you had
- 24 no personal knowledge of that?

that she had tears in her eyes?

- A. That she was angry, yeah. And that she had said she was angry at one time.
- 4 Q. But also the fact that she had tears 5 in her eyes?
 - A. Yeah.
- Q. Was that in the second or thirdmeeting or another one?
- 9 A. Probably the -- I don't -- I don't 10 remember which one for sure.
 - Q. Okay. Either the second or the third?
- 12 A. Yeah.
- Q. Any reason when I asked you earlier the basis for your concluding that Jesse was angry that you didn't tell me that she had tears in her eyes?
 - A. No basis.
 - Q. Did you just forget about that?
- 19 A. Yeah.
 - Q. It goes on to say, "Coaching was to try not to cry."
- Did you tell Jesse to try not to cry?
 - A. Yes
 - Q. Did you ask her what made her so upset

	D 200		D 201
	Page 289		Page 291
1	that she actually had tears in her eyes?	1	A. Every morning.
2	 A. The conversation was around her 	2	Q. And how often did she miss them?
3	struggling with not knowing what to do in some of	3	A. Most of the time. You
4	her job.	4	Q. Four out of five times a week?
5	 Q. But did you ask her what about that 	5	A. Probably three out of five.
6	made her so angry that she had tears in her eyes?	6	Q. Three out of five. Starting when?
7	A. I didn't	7	A. The beginning of that year, 2016,
8	MR. TUCKER: Objection. He just	8	2017. 2016.
9	answered that.	9	Q. Did she continue to miss three out of
10	BY MS. GURMANKIN:	10	five morning maintenance meetings throughout the
11	Q. What's your answer?	11	rest of 2016?
12	A. I didn't ask her.	12	A. Yes. And sometimes more.
13	Q. How come?	13	Q. Sometimes?
14	 A. I didn't it didn't cross my mind to 	14	A. Missed missed safety meetings as
15	ask her.	15	well.
16	Q. Kloosterman goes on to write, "If she	16	Q. Well, let's stick with the morning
17	doesn't understand something, make sure she	17	maintenance meetings. Sometimes she missed, what,
18	understands it and be clear. Participate in	18	four out of five or five out of five?
19	meetings. She doesn't participate in much."	19	A. Sometimes four out of five.
20	Did you tell Kloosterman that Jesse	20	Q. Ever five out of five?
21	didn't participate in many meetings?	21	A. Not that I recall.
22	A. Yes.	22	Q. So was every week was it either
23	Q. Did you think that was a deficiency of	23	three out of five or four out of five that she
24	some kind on Jesse's part?	24	missed?
	Page 290		Page 292
1	A. Yes.	1	A. Yes.
1 2		2	Q. Okay. Did you ever talk to anyone
3	Q. Did you document that at any point?A. No.	3	about that?
4	Q. How come?	4	A. Yes.
5	A. How come it was a deficiency?	5	Q. Who?
6	Q. No. Why didn't you document that at	6	A. Her.
7	any point?	7	Q. Why?
8	A. It was things that I noticed in	8	A. I had conversations with her about and
9	meetings that she was supposed to be in to provide	9	during the one coaching she needed to make sure to
10	data or to be getting information from and she	10	attend the meetings.
11	wasn't in the meetings, but she wasn't a direct	11	Q. Did you ask her why she missed three
12	report of mine, so it would be nothing that I	12	out of five or four out of five?
13	would document.	13	A. I did ask her one time, yes.
14	Q. But you only documented stuff	14	Q. When did you ask her?
15	regarding your direct reports?	15	A. In that coaching the same coaching
16	A. If it was needed.	16	conversations that we had when she was angry.
17	Q. How did you determine whether it was	17	Q. So the spring of 2016?
18	needed?	18	A. Yeah.
19	A. Based on the situation.	19	Q. And what did she say?
20	Q. What meetings did you notice that	20	A. She was angry because she was having
21	Jesse wasn't in that you thought she should have	21	communication issues and did not when she was
22	been in?	22	having issues with her work and the lean
23	A. The morning maintenance meetings.	23	continuous improvement and all the communication
24	Q. How often do they occur?	24	issues with Will.
		I	

Page 295

Page 293

- 1 Q. Well, did she tell you that's why she had -- she missed three out of five or four out of five?
 - A. Because she was angry, frustrated.
 - Q. Wait. Hold on a second. Let me just get my question.

When you coached her in the spring of 2016 about missing three out of five or four out of five morning maintenance meetings, did she tell you that she missed the meetings because she was angry and frustrated?

A. Yes.

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- Q. And did you say anything in response?
- I was coaching her on getting past that anger and frustration, working on the communication to be able to get through that stuff.
- You were not her direct supervisor at the time you're giving her the coaching, right?
- That's correct.
- Did you coach Turney to have a 21 22 conversation with her about her missing three out 23 of five or four out of five morning maintenance
- 24 meetings?

Α. Correct.

Q. And Turney tells you that he had also

3 noticed this?

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- A. Uh-huh.
- 5 Q. Yes?
 - A. That's correct.
 - And did he tell you why a few months Ω in he was still preparing to talk to her about
 - this?
- 10 Α. He did not.
 - Q. Did you ask?
 - So there had been some smaller -- he Α. had said that there had been some smaller conversations about it, but I didn't have the details of those conversations.
 - So he had told you that he had previously addressed her missing three out of five or four out of five morning maintenance meetings with her at the time that you speak to him about this in the spring of 2016?
 - He didn't say addressed, that he had had some prior conversations.
 - Q. About her missing these meetings?
 - A. Yes.

Page 294

- A. Yes.
- When? Q.
- 3 Around that same time. A.
 - Q. And what did he say?
 - A. He was going to have a conversation with her.
 - Did he tell you that he also noticed that she missed three out of five or four out of five morning maintenance meeting?
 - He was aware of her attendance record. yes.
 - Did you ask him if he had addressed Q. this with her?
 - When we had the conversation he was Α. still preparing to.
 - So you had this conversation with him around the same time you talked to Jesse. So sometime around spring of 2016?
 - A.
 - Q. And this is something you had noticed since the beginning of 2016, right?

 - So we're talking at least a few months Q. after you first noticed this?

Page 296 Q. And did he tell you what her response

2 was?

> He didn't. A.

> > Q. Did you ask him?

Α. No.

> Q. Why?

7 A. I was just providing some coaching is 8 all.

> But in your providing coaching, didn't you -- why wouldn't you ask him how the conversation went when he talked to Jesse about this?

When I was providing the coaching, there was -- it was more of a high level, have you had the conversation?

Q. Right. And he said yeah.

(Witness nods head.) A.

18 And wouldn't part of your coaching be 19 to tell me how it went so I can further coach you 20 in how to do this effectively?

> When we had the conversation, it was conversation about coaching to show up at the meetings, but the details as why they didn't -- or why she didn't attend the meetings wasn't part of

	Page 297		Page 299
1	it. So having a conversation coaching the	1	A. Once a month.
2	conversation was what I was doing, not the content	2	Q. And from did they were they
3	of it.	3	happening in 2015?
4	Q. So really all you were doing was	4	A. Yes.
5	coaching him to have the conversation, right?	5	Q. Was she there in 2015?
6	MR. TUCKER: Objection.	6	A. Yes.
7	You can answer.	7	Q. Okay.
8	THE WITNESS: I was providing coaching	8	A. It was the later time.
9	about having making sure that she had	9	Q. Did they happen in 2016?
10	showed up to the meetings and then making	10	A. They always happen.
11	sure that he was having those conversations.	11	Q. Okay. Did she show up for any in
12	BY MS. GURMANKIN:	12	2016?
13	Q. Right. And he told you at the time	13	A. Yup. It was in two-thousand into
14	that you're doing this coaching in the spring of	14	2017, 2018 when she started not showing up, to the
15	2016, he tells you that he's already had	15	best of my recollection.
16	conversations with her about her missing meetings,	16	Q. And did you speak to anyone as to your
17	right?	17	observation that she wasn't showing up to safety
18	A. Yes.	18	meetings at the end of 2017, 2018?
19	Q. So is there any other coaching that	19	A. No.
20	you did at that point?	20	Q. Did you talk to her about it?
21	A. To make sure to keep having	21	A. No.
22	conversations with her if there was still an	22	Q. But as it relates to what Kloosterman
23	issue.	23	writes that you're relaying to her on Exhibit 5,
24	MR. TUCKER: Now I have my first after	24	that she doesn't participate in much, were you
	·		
	Page 298		Page 300
1	lunch bathroom break.	1	just referring to the morning maintenance
2	MS. GURMANKIN: Okay.	2	meetings? Because this interview was on
3	VIDEOGRAPHER: This will conclude file	3	12/7/2016.
4	number four of the videotaped deposition of	4	A. Yes.
5	Hondo Blakley in the matter of Jesse Barnes	5	Q. Did Kloosterman ask you what you were
6	v. Shell, at al.	6	referring to when you said, "she doesn't
7	We're going off the record at 3:12	7	participate in much"?
8	p.m.	0	
	p.iii.	8	A. Yes.
9		9	Q. And you told her morning maintenance
9 10	(Whereupon, a recess was taken from	9	Q. And you told her morning maintenance meetings?
9 10 11		9 10 11	Q. And you told her morning maintenance meetings?A. Correct.
9 10 11 12	(Whereupon, a recess was taken from 3:12 p.m. until 3:24 p.m.)	9 10 11 12	Q. And you told her morning maintenance meetings?A. Correct.Q. And you told her that she didn't show
9 10 11	(Whereupon, a recess was taken from 3:12 p.m. until 3:24 p.m.) VIDEOGRAPHER: This will begin file	9 10 11	 Q. And you told her morning maintenance meetings? A. Correct. Q. And you told her that she didn't show up three out of five or four out of five times?
9 10 11 12 13 14	(Whereupon, a recess was taken from 3:12 p.m. until 3:24 p.m.) VIDEOGRAPHER: This will begin file number five in the videotaped deposition of	9 10 11 12 13 14	 Q. And you told her morning maintenance meetings? A. Correct. Q. And you told her that she didn't show up three out of five or four out of five times? A. Three out of five times.
9 10 11 12 13 14 15	(Whereupon, a recess was taken from 3:12 p.m. until 3:24 p.m.) VIDEOGRAPHER: This will begin file number five in the videotaped deposition of Hondo Blakley in the matter of Jesse Barnes	9 10 11 12 13 14 15	 Q. And you told her morning maintenance meetings? A. Correct. Q. And you told her that she didn't show up three out of five or four out of five times? A. Three out of five times. Q. Did you ever tell her it was four out
9 10 11 12 13 14 15	(Whereupon, a recess was taken from 3:12 p.m. until 3:24 p.m.) VIDEOGRAPHER: This will begin file number five in the videotaped deposition of Hondo Blakley in the matter of Jesse Barnes v. Shell, et al.	9 10 11 12 13 14 15 16	 Q. And you told her morning maintenance meetings? A. Correct. Q. And you told her that she didn't show up three out of five or four out of five times? A. Three out of five times. Q. Did you ever tell her it was four out of five times?
9 10 11 12 13 14 15 16	(Whereupon, a recess was taken from 3:12 p.m. until 3:24 p.m.) VIDEOGRAPHER: This will begin file number five in the videotaped deposition of Hondo Blakley in the matter of Jesse Barnes v. Shell, et al. We are going back on the record at	9 10 11 12 13 14 15 16 17	 Q. And you told her morning maintenance meetings? A. Correct. Q. And you told her that she didn't show up three out of five or four out of five times? A. Three out of five times. Q. Did you ever tell her it was four out of five times? A. Not that I recall.
9 10 11 12 13 14 15 16 17 18	(Whereupon, a recess was taken from 3:12 p.m. until 3:24 p.m.) VIDEOGRAPHER: This will begin file number five in the videotaped deposition of Hondo Blakley in the matter of Jesse Barnes v. Shell, et al. We are going back on the record at 3:24 p.m.	9 10 11 12 13 14 15 16 17	 Q. And you told her morning maintenance meetings? A. Correct. Q. And you told her that she didn't show up three out of five or four out of five times? A. Three out of five times. Q. Did you ever tell her it was four out of five times? A. Not that I recall. Q. But you remember telling Kloosterman
9 10 11 12 13 14 15 16 17 18	(Whereupon, a recess was taken from 3:12 p.m. until 3:24 p.m.) VIDEOGRAPHER: This will begin file number five in the videotaped deposition of Hondo Blakley in the matter of Jesse Barnes v. Shell, et al. We are going back on the record at 3:24 p.m. BY MS. GURMANKIN:	9 10 11 12 13 14 15 16 17 18	 Q. And you told her morning maintenance meetings? A. Correct. Q. And you told her that she didn't show up three out of five or four out of five times? A. Three out of five times. Q. Did you ever tell her it was four out of five times? A. Not that I recall. Q. But you remember telling Kloosterman that in this interview?
9 10 11 12 13 14 15 16 17 18 19 20	(Whereupon, a recess was taken from 3:12 p.m. until 3:24 p.m.) VIDEOGRAPHER: This will begin file number five in the videotaped deposition of Hondo Blakley in the matter of Jesse Barnes v. Shell, et al. We are going back on the record at 3:24 p.m. BY MS. GURMANKIN: Q. Jesse also missed safety meetings?	9 10 11 12 13 14 15 16 17 18 19 20	Q. And you told her morning maintenance meetings? A. Correct. Q. And you told her that she didn't show up three out of five or four out of five times? A. Three out of five times. Q. Did you ever tell her it was four out of five times? A. Not that I recall. Q. But you remember telling Kloosterman that in this interview? A. Three out of five?
9 10 11 12 13 14 15 16 17 18 19 20 21	(Whereupon, a recess was taken from 3:12 p.m. until 3:24 p.m.) VIDEOGRAPHER: This will begin file number five in the videotaped deposition of Hondo Blakley in the matter of Jesse Barnes v. Shell, et al. We are going back on the record at 3:24 p.m. BY MS. GURMANKIN: Q. Jesse also missed safety meetings? A. Yes.	9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And you told her morning maintenance meetings? A. Correct. Q. And you told her that she didn't show up three out of five or four out of five times? A. Three out of five times. Q. Did you ever tell her it was four out of five times? A. Not that I recall. Q. But you remember telling Kloosterman that in this interview? A. Three out of five? Q. Yes.
9 10 11 12 13 14 15 16 17 18 19 20 21 22	(Whereupon, a recess was taken from 3:12 p.m. until 3:24 p.m.) VIDEOGRAPHER: This will begin file number five in the videotaped deposition of Hondo Blakley in the matter of Jesse Barnes v. Shell, et al. We are going back on the record at 3:24 p.m. BY MS. GURMANKIN: Q. Jesse also missed safety meetings? A. Yes. Q. How often were safety meetings?	9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And you told her morning maintenance meetings? A. Correct. Q. And you told her that she didn't show up three out of five or four out of five times? A. Three out of five times. Q. Did you ever tell her it was four out of five times? A. Not that I recall. Q. But you remember telling Kloosterman that in this interview? A. Three out of five? Q. Yes. A. Yeah.
9 10 11 12 13 14 15 16 17 18 19 20 21	(Whereupon, a recess was taken from 3:12 p.m. until 3:24 p.m.) VIDEOGRAPHER: This will begin file number five in the videotaped deposition of Hondo Blakley in the matter of Jesse Barnes v. Shell, et al. We are going back on the record at 3:24 p.m. BY MS. GURMANKIN: Q. Jesse also missed safety meetings? A. Yes.	9 10 11 12 13 14 15 16 17 18 19 20 21	Q. And you told her morning maintenance meetings? A. Correct. Q. And you told her that she didn't show up three out of five or four out of five times? A. Three out of five times. Q. Did you ever tell her it was four out of five times? A. Not that I recall. Q. But you remember telling Kloosterman that in this interview? A. Three out of five? Q. Yes.

	Page 301		Page 303
1	five morning maintenance meetings?	1	A. Correct.
2	A. Not that I recall.	2	Q. Were you watching her the whole time?
3	Q. And did you also tell Kloosterman that	3	A. Just obser room observation as you
4	that was the case throughout all of 2016?	4	are sitting there looking for participation or
5	A. I don't recall that.	5	lack thereof, you just it's an observation.
6	Q. At the end of page one, the last	6	Q. Were you watching her the whole time?
7	sentence it says, "We were talking" and then going	7	A. Not the whole time.
8	onto page two, "about the SPS and trying to get	8	Q. All right. So how did you know that
9	people to give feedback, and she was on her phone	9	she was on her phone the whole time?
10	the whole time."	10	A. Every time I observed, it was the
11	Do you see that?	11	same.
12	A. I do.	12	Q. But you weren't watching her the whole
13	Q. When was this?	13	time, right?
14	A. It would have been October, end of	14	A. Every time I observed her, she was on
15	it would have been around September, October.	15	her phone.
16	Q. 2016?	16	Q. Is it accurate was it accurate to
17	A. Yeah.	17	say that she was on her phone the whole time?
18	Q. Was this during a meeting?	18	A. Based on my observations, I would
19	A. It was.	19	still say yes.
20	Q. A morning maintenance meeting or	20	Q. Were you observing her the whole time?
21	another meeting?	21	A. Not the whole time, but if you scroll
22	A. No. It was a Shell People Survey	22	your eyes this way and you scroll your eyes back
23	report out.	23	that way, you're talking seconds.
24	Q. And who was in the meeting?	24	Q. When you scrolled your eyes away from
	Page 302		Page 304
		1	
1	A. The operations personnel.	1	her, could you tell whether she was on her phone
1 2	A. The operations personnel.Q. About how many people?	1 2	her, could you tell whether she was on her phone or what was she doing?
	Q. About how many people?		her, could you tell whether she was on her phone or what was she doing? A. No.
2	Q. About how many people?	2	or what was she doing? A. No.
2	Q. About how many people?A. Probably 50 or 60. Well, it was just	2 3	or what was she doing? A. No. Q. Did you speak with Turney about what
2 3 4	Q. About how many people?A. Probably 50 or 60. Well, it was just operations, 50.	2 3 4	or what was she doing? A. No.
2 3 4 5	Q. About how many people?A. Probably 50 or 60. Well, it was just operations, 50.Q. Where was it?	2 3 4 5	or what was she doing? A. No. Q. Did you speak with Turney about what you observed during that meeting?
2 3 4 5 6	Q. About how many people?A. Probably 50 or 60. Well, it was just operations, 50.Q. Where was it?A. In the conference room 108.	2 3 4 5 6	or what was she doing? A. No. Q. Did you speak with Turney about what you observed during that meeting? A. No. Q. How come?
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	Page 305		Page 307
1	sentence.	1	A. Not that I recall.
2	Q. Do you remember what you said to	2	Q. You said banter back and forth. Who
3	Kloosterman about conversations you've had with	3	was giving it back and forth?
4	Will about needing to help Jesse more?	4	A. You know, from like, from Jesse to
5	A. So this this was around the	5	Will or Jesse to Mark.
6	communication.	6	Q. And what would Turney say that was
7	Q. Uh-huh.	7	banter that you were referring to when you told
8	A. And it was part of the statement say	8	Kloosterman there was a lot of banter back and
9	repeat to me the direction or what I want you to	9	forth?
10	do so you so I know you understand it. So it	10	A. What would he say?
11	was around that communication, trying to improve	11	Q. Yeah. What did Will say that was
12	that communication.	12	banter that you referred to when you told it to
13	Q. The next paragraph, it says, "I see a	13	Kloosterman?
14	lot of banter back and forth, joking, friendly."	14	A. So for one, she had a boyfriend and a
15	Did you tell that to Kloosterman?	15	fancy bracelet and he she said something about
16	A. Yes.	16	the bracelet, and he asked where it came from, and
17	Q. Did you use the term "banter" with	17	she said, "My boyfriend. That's all they're good
18	her?	18	for." And he said, "That's all who's good for?"
19	A. Yes.	19	She said, "My boyfriends, to buy me jewelry."
20	Q. What did you mean by that?	20	Q. Any other banter that Will Turney
21	A. Back and forth jokes.	21	engaged in?
22	Q. What kind of jokes?	22	A. Not that I recall.
23	A. Simple simple banter back and	23	Q. What banter did Mark Hoover engage in?
24	forth.	24	A. Oh, they were talking back and forth
	Page 306		Page 308
1	Q. What kind of banter would you hear?	1	about I think it was about it was the one
	a. What kind of barker Would you hear.		
2	A. There was some stuff about, if I	2	
2 3	A. There was some stuff about, if I remember looking down through, she had bought a	2 3	about the Jeep and the car.
3	remember looking down through, she had bought a	3	about the Jeep and the car. Q. What did Hoover say that you
3 4	remember looking down through, she had bought a Jeep. So there was some banter back and forth	3 4	about the Jeep and the car. Q. What did Hoover say that you classified as banter?
3 4 5	remember looking down through, she had bought a Jeep. So there was some banter back and forth about the Jeep.	3	about the Jeep and the car. Q. What did Hoover say that you classified as banter? A. He wanted to know if she knew how to
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	Page 309	Pag	e 311
1	A. Say that again.	lacked energy and motivation based on you	
2	Q. You see under the Inappropriate	2 interactions with her, is that what you're say	
3	header	3 A. It was a mixture of my interactions	
4	A. Oh, yeah.	4 plus group interactions.	
5	Q it says, "There was a statement	5 Q. It goes on to say, "She was angry	
6	made about whether her boyfriend gave her	6 about the woman statement, parens, gettin	a paid
7	permission."	7 well."	9
8	Did you say something like that to	8 Did you tell Kloosterman that Jesse	•
9	Kloosterman?	9 was angry about that statement?	
10	A. Yes.	10 A. Yes.	
11	Q. And what did that refer to?	11 Q. And what was that statement?	
12	A. I think if it was around it was	A. So she had told me that she had g	otten
13	around the Jeep that she bought, if she had gotten	told that she to the best of my recollectio	n,
14	permission to buy the Jeep.	made good money for where for being a	female.
15	Q. From her boyfriend?	Q. When did she tell you that?	
16	A. Uh-huh.	A. In one of our conversations.	
17	Q. Yes?	Q. Is this in the spring 2016 time	
18	A. Yes.	18 period?	
19	Q. Who said that?	19 A. Yeah.	
20	A. I don't recall who said it.	Q. Did you document that?	
21	Q. Next paragraph it says, "Getting	21 A. No.	
22	Hired. Will pushed for her to get hired. She	Q. Did you report it to anyone at the	
23	showed ability to get hired. To be honest, I	23 time?	
24	think she is one of the sharpest employees as far	24 A. No.	
	Page 310	Pag	e 312
1	as ability, but she lacks energy/motivation for	1 Q. How come?	
2	some reason." I'll stop there for a sec.	2 A. Because I didn't know if it was true	
3	What was your basis for saying	or not and I never thought about reporting it.	
4	well, strike that.	4 Q. Well, did she give you any reason to	
5	Did you tell Kloosterman that you	5 doubt that she was telling the truth?	
6	thought she lacked energy/motivation?	6 A. No.	
7	A. Yes.	7 Q. Did you ask her who said it?	
8	Q. And what was your basis for that?	8 A. She told me that Will had said it.	
9	 A. Just prior engagements before this 	9 Q. Did you ask Will if it was true?	
10	interview.	A. I don't recall if I ever talked	
11	Q. I'm sorry. I didn't understand that.	anymore about that or not to be honest.	
12	A. Prior engagements. All the	Q. Did Kloosterman ask you about it wh	
13	conversations and stuff that I had been a part of	you said she was angry about the woman sta	tement'?
14	before this interview. There was a lot of issues	A. We didn't go into any detail that I	
15	around that.	can recollect.	
16 17	Q. What engagements are we talking about?	Q. All right. Under the next section there's a chart. Do you see the second one u	ındor
17 10	A. Well, if I think about some of the coaching conversations that I've had or further up	there's a chart. Do you see the second one u Claim? It says, "My supervisor touches my a	
18 19	with like missing some meetings and and that	and/or leg the majority of the time I have a	1111
20	kind of stuff, there was	20 meeting or talk to him one on one."	
21	Q. Wait. You mean your engagement with	21 Do you see that?	
22	Jesse?	22 A. Yup.	
23	A. A few of them, yes.	Q. And then if you look two columns over	er.
24	Q. All right. So you determined that she	24 is that what you told Kloosterman?	,
		,,	

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	Page 313		Page 315
1	MR. TUCKER: What's written two	1	Q. Yes?
2	columns what's typed two columns over you	2	A. Yes.
3	mean, Counsel?	3	Q. And how did you know that was
4	MS. GURMANKIN: I'm sorry?	4	inadvertent? How did you come to that conclusion?
5	MR. TUCKER: You're asking him is what	5	A. Nobody pulled away, nobody said
6	he told Kloosterman that's under.	6	anything. They sat there for a few minutes,
7	BY MS. GURMANKIN:	7	talked about whatever was on the screen, and then
8	Q. Yes. That I have seen that, scooting	8	got up and left.
9	up close to look at the computer, two legs	9	Q. At the time that you saw that, Jesse
10	touching, touching an arm/leg, but not other	10	was reporting directly to Turney?
11	direct reports. Nothing inappropriate like	11	A. Yes.
12	rubbing her back.	12	Q. And after you saw that, did you ask
13	Is that what you told Kloosterman?	13	Jesse if she was okay with that or if that made
14	A. Yes.	14	her uncomfortable or anything along those lines?
15	Q. All right. So you had seen Will and	15	A. No.
16	Jesse's legs touching?	16	Q. It says also "touching an arm/leg."
17	A. I've seen when you try to look at a	17	Did you see Turney touch her leg on any other
18	computer screen and two people are sitting next to	18	occasion?
19	each other that there might be, you know, some	19	A. No.
20	type of inadvertent touch.	20	Q. Did you see Turney touch her arm?
21	 Q. Did you see that on multiple 	21	A. No.
22	occasions?	22	Q. Did you did you tell Kloosterman
23	A. I don't recall multiple occasions.	23	that you saw Turney touch her arm?
24	Q. Do you just recall one time?	24	A. No.
	Page 314		Page 316
1	A. I can recall one time.	1	MS. GURMANKIN: Okay. Let's go off
2	Q. When?	2	for one second.
3	 I don't know the exact date. 	3	VIDEOGRAPHER: We're now going off the
4			VIDEOCIUM FIER. Word now going on the
	Q. What's the year?	4	record. The time on the camera is 3:43 p.m.
5	Q. What's the year?A. 2016.	4 5	_
	•		
5	A. 2016.	5	record. The time on the camera is 3:43 p.m.
5 6	A. 2016.Q. Where were they sitting?	5 6	record. The time on the camera is 3:43 p.m (Whereupon, a recess was taken from
5 6 7	A. 2016.Q. Where were they sitting?A. At his computer.	5 6 7	record. The time on the camera is 3:43 p.m. (Whereupon, a recess was taken from 3:43 p.m. until 3:44 p.m.)
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5 6 7 8 9	 A. 2016. Q. Where were they sitting? A. At his computer. Q. And how did you know that the touching was inadvertent? A. There was no they were sitting side by side just looking at a computer screen. 	5 6 7 8 9 10 11	record. The time on the camera is 3:43 p.m. (Whereupon, a recess was taken from 3:43 p.m. until 3:44 p.m.) VIDEOGRAPHER: We're now back on the record at 3:44 p.m. BY MS. GURMANKIN:
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. 2016. Q. Where were they sitting? A. At his computer. Q. And how did you know that the touching was inadvertent? A. There was no they were sitting side by side just looking at a computer screen. Q. How did you know and you saw their legs touching? A. Yeah. Q. How did you A. Well Q. I'm sorry. Go ahead. A. It's leg, chair, whatever else when you sit side by side. Q. Were their legs touching? A. I wouldn't say full length, maybe knees. Q. Their knees were touching?	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	record. The time on the camera is 3:43 p.m. (Whereupon, a recess was taken from 3:43 p.m. until 3:44 p.m.) VIDEOGRAPHER: We're now back on the record at 3:44 p.m. BY MS. GURMANKIN: Q. All right. Looking at page three of Exhibit 5, you see where it says "Supervisor gestures cat claws and makes a hissing noise." Do you see that? A. Yes. Q. And you had seen Turney do that? A. Yes. Q. On multiple occasions? A. Yes. Q. Have you ever heard the term cat fight before this? A. I have.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. 2016. Q. Where were they sitting? A. At his computer. Q. And how did you know that the touching was inadvertent? A. There was no they were sitting side by side just looking at a computer screen. Q. How did you know and you saw their legs touching? A. Yeah. Q. How did you A. Well Q. I'm sorry. Go ahead. A. It's leg, chair, whatever else when you sit side by side. Q. Were their legs touching? A. I wouldn't say full length, maybe knees.	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	record. The time on the camera is 3:43 p.m. (Whereupon, a recess was taken from 3:43 p.m. until 3:44 p.m.) VIDEOGRAPHER: We're now back on the record at 3:44 p.m. BY MS. GURMANKIN: Q. All right. Looking at page three of Exhibit 5, you see where it says "Supervisor gestures cat claws and makes a hissing noise." Do you see that? A. Yes. Q. And you had seen Turney do that? A. Yes. Q. On multiple occasions? A. Yes. Q. Have you ever heard the term cat fight before this?

Page 317 Page 319 1 conflicts or fights between women? 1 was being a you-know-what. 2 2 BY MS. GURMANKIN: Α 3 3 Q. Had you heard it used in any other All right. Then why did you tell 4 context? 4 Kloosterman that story in reference to her asking 5 5 Α. about Jesse's claim that she's been called a bitch 6 Q. Right under that it says, "I have been 6 by numerous people in the office? 7 asked by supervisor multiple times if I thought 7 That's what I said that -- I 8 about him over the weekends." 8 referenced she was being a you-know-what. 9 9 Do you see that? Right. My question is, why did you 10 Α. I see that. 10 tell that story to Kloosterman in response to her 11 Q. Did you hear Turney say that to 11 talking about Jesse's claim that she's been called 12 anyone? 12 a bitch by numerous people in the office? 13 Α. I remember him saying it to a lot of 13 That was what I had told her I had 14 people. 14 heard when that was being referenced. So I never 15 Q. Who? 15 said that -- tied the two together. I just told 16 Excuse me? Α. 16 her what I had heard. 17 Q. Who? 17 Did you believe that Hoover was 18 He said it to me before. Α. 18 referencing that he had called Jesse a bitch? 19 Q. Anyone else? 19 Based on the facts, I didn't believe 2.0 He said it to Mark Hoover, Jesse 20 one way or the other. I just told him that he 21 Barnes, Penny Robins, maintenance guys. 21 needed to be careful when he was talking to people 22 Last line on that page, "I've been 22 like that, or if those conversations were going 23 called a bitch by numerous people in the office." 23 on. 24 Do you see that? 24 Q. Well, was it a violation of any policy Page 318 Page 320 1 A. Yes. if Hoover called Jesse a you-know-what? 1 2 2 A. I don't know if you-know-what is Did you tell Kloosterman that you had 3 heard Jesse being referred to as a bitch? 3 against policy. 4 Well, I had heard that it had 4 Did you ask Hoover if he had said --5 5 happened, but I was not there when -- when it took if he had called her a you-know-what or if he had 6 place. 6 called her something else? 7 But at some point you heard Hoover 7 A. I didn't -- he had stated it. 8 reference the fact that he had previously called 8 He stated what? Q. 9 Jesse a bitch? 9 A. That he said you're being a 10 Α. Yes. 10 vou-know-what. 11 And did you say anything to Hoover 11 Right. And when he said that, did you 12 12 when he stated that he had previously called Jesse say, did you call her previously a you-know-what 13 a bitch? 13 or did you call her something else? 14 So I recall the statement being a 14 I didn't. I said you need to be 15 15 you-know-what. I don't know that he ever actually careful what conversations you have. 16 went into details to actually say the word other 16 Well, is it a -- is it a problem if he 17 17 than saying you're being a you-know-what. had just referred to her as a-you-know what? 18 So you just heard Hoover reference the 18 Α. It's possible, yes. 19 fact that he had previously said to Jesse that he 19 Q. Whv? 20 called her a you-know-what? 20 Α. Because it could lead to further MR. TUCKER: No, that's not what he 21 21 issues. 22 said. He said Hoover told him that he called 2.2 Q. Do you see in the column where it says "I have heard Mark Hoover." Do you see that part? 23 Jesse a you-know-what. 23 THE WITNESS: She was -- yeah. She 24 A. Yup.

Page 3	2	1
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- Q. It says, "I have heard Mark Hoover. I was not there when it originally took place. I knew it happened because it came back up."
 - Did you tell Kloosterman that?
- A. Yeah. I knew something had happened because it came back up or something was said.
- Q. Did you tell Kloosterman that you believed that Hoover had previously referred to Jesse as a bitch?
- A. No. I never told Megan that I -- that I thought that was it.
- In that section that starts with "I have heard Mack Hoover," in that box, is that an accurate reflection of what you told Kloosterman?

15 MR. TUCKER: Is the entire box?

> MS. GURMANKIN: Yeah, that starts with "I have heard Mark Hoover."

THE WITNESS: Let me look at the entire box. It says I just told her she was being a you-know-what.

21 BY MS. GURMANKIN:

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- 22 No. It says, "I have heard Mark
- 23 Hoover. I was not there when it originally took
- 24 place. I knew it happened because it came back

Page 323

- A. When you're -- when you have issues, you need to make sure that you don't always think that some -- something at work was being done to you. You should take the initiative to make sure that you understand your job directions and that you are -- have a clear communication in between
 - Did you ever tell a male employee at Shell to stop playing the victim or words to that effect?

the -- the employee and the supervisor.

- A. Yes.
- 12 Q. Who?
- 13 Α. I had that conversation with Wayne 14 Fletcher one time.
- 15 Q. When?
 - When he was having issues with putting Α. some safety stuff together. I said, "You shouldn't be a victim. Take the bull by the horns and make sure you understand what you got to do, you have a clear direction."
 - When? Q.
- 22 A. It was probably last year.
 - 2018? Q.
- 24 Α. Yeah.

Page 322

- 1 up. Mark was talking a week later and he stopped
- 2 me and said she started on him first on being
- 3 grouchy and was giving him a hard time and I just
- 4 told her she was being a you-know-what. They were
- 5 going at each other. She followed up after the
- 6 fact. At the time I perceived it as a joke back
- 7 and forth. But I did tell him to be careful doing 8
 - that stuff."
- 9 Is that what you told Kloosterman?
 - A.
 - Q. Did you ever tell Jesse that she had
- 12 a -- she needed to stop playing the victim or
- words to that effect? 13
- 14 A. Yes
 - When? Q.
- 16 A. During one of our coaching
- 17 conversations.
- 18 Q. Is that in the spring of 2016?
- A. Yeah. It was one of the later ones, I 19
- 20 think, but I don't recall the day.
- Q. In 2016, though? 21
- 22 Α. Yeah.
- Q. What was that in context? What was 23
- 24 the context?

- Page 324
- 1 Any other male employee that you've 2 told to stop playing the victim or words to that 3 effect?
 - A. Not that I recall.
 - All right. On page four, first paragraph under the chart, it says -- second sentence -- I'm sorry, third sentences second line. "Chris Anderson cautioned" --

MR. TUCKER: Hold on for a second. Let me get there.

MS. GURMANKIN: Uh-huh.

12 MR. TUCKER: Under the box, second --13 second line.

MS. GURMANKIN: Yup.

15 MR. TUCKER: Okay.

BY MS. GURMANKIN: 17 "Chris Anderson cautioned hiring her 18 because she is, quote, trouble, and we will all

end up in the same position as the last guy." Did you tell Kloosterman that?

- Α. Yes.
- Did Chris Anderson say that to you? Q.
- 23 Α. To my recollection.
 - And do you know what he meant when he

Page 325 Page 327 1 said that she's trouble? 1 female subordinate as a hot blonde? 2 Just based off of past -- I don't know 2 Most likely, yes, but I do not 3 3 what -- I don't know what he meant when she remember that event in question. 4 4 said -- when he said that. Paragraph four, "Understand you were 5 5 Q. You didn't ask him? at the golf tournament this past summer with Jesse 6 and Will." 6 A. No. 7 Q. He says that someone that you're 7 Do you remember a golf tournament in 8 considering hiring is trouble and you don't ask 8 two-thousand -- in the summer of 2016? 9 9 him what he means? A. Yes 10 Α. We didn't go into details. 10 Q. Where was that? Did you ask him what he meant? 11 Q. 11 A. In Wellsboro at the Tioga Golf Course. 12 A. Did I ask him what he meant about the 12 It goes on to say, "What were the 13 statement? 13 group dynamics at this event? Do you recall Will 14 Q. Yes. 14 and others asking Jesse why she was not wearing 15 A. Yes. 15 shorts? Did you take a picture of her backside at And what did he say? 16 Q. 16 this event? No recollection. The whole golf 17 Based on the past allegations that she 17 tournament. I remember a lot of booze. She had a had had against other employees. 18 18 friend acting inappropriately. No recollection, Meaning 19 19 but everyone was taking pictures. I'm sure there 20 20 were pictures of her in it." 21 Α. Yes. 21 Were you drinking at the golf 22 When he said, "We will all end up in Q. 22 tournament? the same position as the last guy," did you 23 23 A. Moderately, yes. 24 understand that to refer to her allegations 24 What were you drinking? Page 328 Page 326 1 as well? 1 A. Beer. against and 2 2 How many beers did you have? A. Yes Q. 3 Q. The last line of that paragraph says, 3 I don't recall the exact number. Α. 4 "I think he felt bad for how he was treated in the 4 Q. Do you recall approximately? 5 5 past. He never told me that, but maybe." A few. Α. 6 Did you tell Kloosterman that? 6 Q. More than five? 7 A. I don't know what that sentence means. 7 8 Q. Do you remember telling her that? 8 MR. TUCKER: Take your hand away from 9 9 A. No. I don't recollect that sentence. your mouth. Okay? 10 10 Q. Paragraph three, "Understand you had Sorry. 11 observed an instance in March of this year when 11 BY MS. GURMANKIN: More than one? 12 Will referred to Jesse as a hot blonde. Share 12 Q. 13 your perception of this event. Confirmed, made a 13 Α. Yes. 14 statement about it." 14 Q. Were you drunk? 15 15 Did you hear Turney refer to Jesse as Α. No. 16 a hot blonde? 16 Q. Buzzed? 17 17 Α. No. Α. I do not remember that event. 18 Q. That would have been something you 18 Q. Do you recall if Turney was drinking? 19 19 Yes. remembered, wouldn't it, if a male supervisor Α. 20 referred to a female subordinate as a hot blonde? 20 Q. Beer? 21 21 A. Can you say it again? A. I don't recall. Do you know how many drinks he had? 22 Q. That would have been something that 22 Q. 23 would stick out in your memory, wouldn't it, 23 Α. No. 24 24 Jesse had a friend there? having a male supervisor at Shell refer to a

	Page 329		Page 331
1	A. She did.	1	working through my process improvement stuff.
2	Q. And you recall the friend acting	2	Q. Did you tell Kloosterman that you'd
3	inappropriately?	3	had some conversations with Steve Craig about
4	A. Yes.	4	this about the comments that Kloosterman was
5	Q. How?	5	asking you about?
6	She was visibly intoxicated and had	6	A. Yes.
7	made some was having a hard time even standing	7	Q. What did you talk to Craig about that
8	up.	8	issue?
9	Q. Did Jesse act inappropriately?	9	A. Repeat the question.
10	A. Not that I recall.	10	Q. What did you talk to Steve Craig about
11	Q. Did you tell Kloosterman that you	11	the comments that Kloosterman was asking you
12	didn't recall whether or not Turney and others	12	about?
13	asked Jesse why she's not wearing shorts?	13	A. Oh, just general coaching. Just
14	A. Yes.	14	general coaching sessions that I've had and
15	Q. And do you recall telling Kloosterman	15	working on some of the frustrations.
16	that you didn't have a recollection of whether or	16	Q. Anything regarding comments that
17	not you took a picture of Jesse's backside at this	17	Turney made?
18	event?	18	A. No. Not that I recall.
19	A. There was a lot of pictures taken.	19	Q. Paragraph 6, it says, "In working with
20	There was a lot of pictures taken. There was never one specifically for that purpose.	20	both of them, it was always assumed as harmless
21	Q. My question was, did you tell	21	banter. She dealt as much as she received. In
22	Kloosterman that you did not have a recollection	22	some situations she started it. It seemed a
23	of whether or not you took a picture of Jesse's	23	
24	backside at this event?	24	joking banter back and forth. He has done that
24	backside at this event?	24	stuff, or still does, trying to keep the stress
	Page 330		Page 332
1	A. There was no recollection.	1	low."
2	Q. You told Kloosterman that?	2	What did did you tell Kloosterman
3	A. Yes.	3	that?
4	Q. The second paragraph under number	4	A. Yes.
5	five, it says in the third line, "Hindsight is	5	Q. What did you mean when you said, "He
6	always 20/20. There was nothing I saw that told	6	has done that stuff, or still does, trying to keep
7	me to escalate that."	7	the stress low"?
			the stress low:
8	Did you tell did you say that to	8	A. You know, make some of those comments
8 9	Did you tell did you say that to Kloosterman?	8 9	
			A. You know, make some of those comments
9	Kloosterman?	9	A. You know, make some of those comments like, "Did you miss me?" That kind of stuff.
9 10	Kloosterman? A. That that statement doesn't make	9 10	A. You know, make some of those comments like, "Did you miss me?" That kind of stuff. Q. Anything else other than comments
9 10 11	Kloosterman? A. That that statement doesn't make sense.	9 10 11	A. You know, make some of those comments like, "Did you miss me?" That kind of stuff. Q. Anything else other than comments about did you miss me?
9 10 11 12	Kloosterman? A. That that statement doesn't make sense. Q. You don't remember saying that?	9 10 11 12	A. You know, make some of those comments like, "Did you miss me?" That kind of stuff. Q. Anything else other than comments about did you miss me? A. I know the some of the back and
9 10 11 12 13	Kloosterman? A. That that statement doesn't make sense. Q. You don't remember saying that? A. I don't recall that exact statement.	9 10 11 12 13	A. You know, make some of those comments like, "Did you miss me?" That kind of stuff. Q. Anything else other than comments about did you miss me? A. I know the some of the back and forth stuff that's referred to in there where
9 10 11 12 13 14	 Kloosterman? A. That that statement doesn't make sense. Q. You don't remember saying that? A. I don't recall that exact statement. Q. How about the next one, "I have had 	9 10 11 12 13 14	A. You know, make some of those comments like, "Did you miss me?" That kind of stuff. Q. Anything else other than comments about did you miss me? A. I know the some of the back and forth stuff that's referred to in there where in some situations she started it. It would be
9 10 11 12 13 14 15	Kloosterman? A. That that statement doesn't make sense. Q. You don't remember saying that? A. I don't recall that exact statement. Q. How about the next one, "I have had some conversations with Steve about it because we	9 10 11 12 13 14 15	A. You know, make some of those comments like, "Did you miss me?" That kind of stuff. Q. Anything else other than comments about did you miss me? A. I know the some of the back and forth stuff that's referred to in there where in some situations she started it. It would be she would call Will names as back and forth. I
9 10 11 12 13 14 15	Kloosterman? A. That that statement doesn't make sense. Q. You don't remember saying that? A. I don't recall that exact statement. Q. How about the next one, "I have had some conversations with Steve about it because we would talk about employees in general."	9 10 11 12 13 14 15	A. You know, make some of those comments like, "Did you miss me?" That kind of stuff. Q. Anything else other than comments about did you miss me? A. I know the some of the back and forth stuff that's referred to in there where in some situations she started it. It would be she would call Will names as back and forth. I recall that.
9 10 11 12 13 14 15 16	Kloosterman? A. That that statement doesn't make sense. Q. You don't remember saying that? A. I don't recall that exact statement. Q. How about the next one, "I have had some conversations with Steve about it because we would talk about employees in general." Do you remember saying that?	9 10 11 12 13 14 15 16 17	A. You know, make some of those comments like, "Did you miss me?" That kind of stuff. Q. Anything else other than comments about did you miss me? A. I know the some of the back and forth stuff that's referred to in there where in some situations she started it. It would be she would call Will names as back and forth. I recall that. Q. You heard Jesse call Will names?
9 10 11 12 13 14 15 16 17	Kloosterman? A. That that statement doesn't make sense. Q. You don't remember saying that? A. I don't recall that exact statement. Q. How about the next one, "I have had some conversations with Steve about it because we would talk about employees in general." Do you remember saying that? A. Yes.	9 10 11 12 13 14 15 16 17	A. You know, make some of those comments like, "Did you miss me?" That kind of stuff. Q. Anything else other than comments about did you miss me? A. I know the some of the back and forth stuff that's referred to in there where in some situations she started it. It would be she would call Will names as back and forth. I recall that. Q. You heard Jesse call Will names? A. Yeah.
9 10 11 12 13 14 15 16 17 18	Kloosterman? A. That that statement doesn't make sense. Q. You don't remember saying that? A. I don't recall that exact statement. Q. How about the next one, "I have had some conversations with Steve about it because we would talk about employees in general." Do you remember saying that? A. Yes. Q. Conversations with Steve Craig?	9 10 11 12 13 14 15 16 17 18 19	A. You know, make some of those comments like, "Did you miss me?" That kind of stuff. Q. Anything else other than comments about did you miss me? A. I know the some of the back and forth stuff that's referred to in there where in some situations she started it. It would be she would call Will names as back and forth. I recall that. Q. You heard Jesse call Will names? A. Yeah. Q. What names?
9 10 11 12 13 14 15 16 17 18 19 20	Kloosterman? A. That that statement doesn't make sense. Q. You don't remember saying that? A. I don't recall that exact statement. Q. How about the next one, "I have had some conversations with Steve about it because we would talk about employees in general." Do you remember saying that? A. Yes. Q. Conversations with Steve Craig? A. Yes.	9 10 11 12 13 14 15 16 17 18 19 20	A. You know, make some of those comments like, "Did you miss me?" That kind of stuff. Q. Anything else other than comments about did you miss me? A. I know the some of the back and forth stuff that's referred to in there where in some situations she started it. It would be she would call Will names as back and forth. I recall that. Q. You heard Jesse call Will names? A. Yeah. Q. What names? A. She called him a whore.
9 10 11 12 13 14 15 16 17 18 19 20 21	Kloosterman? A. That that statement doesn't make sense. Q. You don't remember saying that? A. I don't recall that exact statement. Q. How about the next one, "I have had some conversations with Steve about it because we would talk about employees in general." Do you remember saying that? A. Yes. Q. Conversations with Steve Craig? A. Yes. Q. About what?	9 10 11 12 13 14 15 16 17 18 19 20 21	A. You know, make some of those comments like, "Did you miss me?" That kind of stuff. Q. Anything else other than comments about did you miss me? A. I know the some of the back and forth stuff that's referred to in there where in some situations she started it. It would be she would call Will names as back and forth. I recall that. Q. You heard Jesse call Will names? A. Yeah. Q. What names? A. She called him a whore. Q. Anything else?
9 10 11 12 13 14 15 16 17 18 19 20 21 22	Kloosterman? A. That that statement doesn't make sense. Q. You don't remember saying that? A. I don't recall that exact statement. Q. How about the next one, "I have had some conversations with Steve about it because we would talk about employees in general." Do you remember saying that? A. Yes. Q. Conversations with Steve Craig? A. Yes. Q. About what? A. Just general employee. So, like, some	9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. You know, make some of those comments like, "Did you miss me?" That kind of stuff. Q. Anything else other than comments about did you miss me? A. I know the some of the back and forth stuff that's referred to in there where in some situations she started it. It would be she would call Will names as back and forth. I recall that. Q. You heard Jesse call Will names? A. Yeah. Q. What names? A. She called him a whore. Q. Anything else? A. She used that phrase quite a bit.

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	Page 333		Page 335
1	A. Uh-huh.	1	Q. You did. When?
2	Q. Yes?	2	A. During the those times when she
3	A. Yes.	3	would have those make those statements.
4	Q. How many times?	4	Q. Well, you testified that you talked to
5	A. More than five.	5	her about it in your coaching sessions, right?
6	Q. When?	6	A. Correct.
7	A. Usually in the mornings.	7	 Q. Did you actually pull her aside when
8	Q. No, no. When? What year?	8	she did it, when you heard her doing it?
9	A. Oh. In the beginning of end of	9	A. One time I pulled her aside and said,
10	2015 into 2016.	10	"We've got to stop calling each other names."
11	Q. You heard this personally?	11	 Q. Did anyone call anyone a name other
12	A. I did.	12	than Jesse calling Will a whore at the time that
13	Q. Did you say anything when she did	13	you pulled her aside?
14	that?	14	A. No.
15	A. During conversations I would recommend	15	 Q. Did you document the more than five
16	that the name calling be kept to a minimum.	16	times that you heard Jesse referred to Will as a
17	Q. Did you specifically address the fact	17	whore?
18	that you heard her call Will a whore more than	18	A. No.
19	five times?	19	Q. Did you tell anyone at the company?
20	A. It's in my coaching conversations.	20	A. Yes.
21	Q. You specifically discussed that with	21	Q. Who?
22	her?	22	A. I would I had it was in one
23	A. Yes.	23	conversation with Steve Craig.
24	Q. What did you say?	24	Q. When?
	Page 334		Page 336
1	A. That Will is a supervisor. You	1	A. 2016, in the beginning.
2	shouldn't be name calling.	2	Q. So as of that time how many times had
3	Q. Did you address it with her when you	3	she called Turney a whore?
4	heard it? I mean, when you heard her say it, did	4	A. I don't recall.
5	you say something at the time?	5	Q. Do you recall if it was more than
6	A. Not specifically at that time.	6	once?
7	Q. Why?	7	A. No.
8	Because it was usually a group setting	8	Q. What did Steve Craig say?
9	and I didn't want to demean anybody for you	9	A. He asked if I'd had a conversation. I
10	know, with a group conversation like that.	10	said yes.
11	Q. Did you ever pull her aside into	11	Q. Anything else?
12	another room or into the hallway or anywhere away	12	A. No.
13	from the group and tell her that she shouldn't be	13	Q. Did you tell anyone other than Steve
	calling her supervisor a whore?	14	Craig?
14	calling her supervisor a whore:		-
14 15	MR. TUCKER: Objection. He's just	15	A. No.
	-		A. No. Q. Did you tell Kloosterman during the
15	MR. TUCKER: Objection. He's just	15	
15 16	MR. TUCKER: Objection. He's just said he did.	15 16	Q. Did you tell Kloosterman during the
15 16 17	MR. TUCKER: Objection. He's just said he did. BY MS. GURMANKIN:	15 16 17	Q. Did you tell Kloosterman during the interview that you had with her?
15 16 17 18	MR. TUCKER: Objection. He's just said he did. BY MS. GURMANKIN: Q. At the time that you heard her call Will Turney a whore more than five times from the	15 16 17 18	Q. Did you tell Kloosterman during the interview that you had with her?A. No.Q. How come?
15 16 17 18 19	MR. TUCKER: Objection. He's just said he did. BY MS. GURMANKIN: Q. At the time that you heard her call Will Turney a whore more than five times from the end of 2015 through the end of 2016, did you ever	15 16 17 18 19	Q. Did you tell Kloosterman during the interview that you had with her?A. No.Q. How come?
15 16 17 18 19 20	MR. TUCKER: Objection. He's just said he did. BY MS. GURMANKIN: Q. At the time that you heard her call Will Turney a whore more than five times from the	15 16 17 18 19 20	 Q. Did you tell Kloosterman during the interview that you had with her? A. No. Q. How come? A. It didn't come up in that detail. Q. Well, she was asking you questions,
15 16 17 18 19 20 21	MR. TUCKER: Objection. He's just said he did. BY MS. GURMANKIN: Q. At the time that you heard her call Will Turney a whore more than five times from the end of 2015 through the end of 2016, did you ever pull her aside, anywhere other than the group setting, and tell her that she shouldn't be saying	15 16 17 18 19 20 21	 Q. Did you tell Kloosterman during the interview that you had with her? A. No. Q. How come? A. It didn't come up in that detail. Q. Well, she was asking you questions, you met for about an hour, and in number six,
15 16 17 18 19 20 21 22	MR. TUCKER: Objection. He's just said he did. BY MS. GURMANKIN: Q. At the time that you heard her call Will Turney a whore more than five times from the end of 2015 through the end of 2016, did you ever pull her aside, anywhere other than the group	15 16 17 18 19 20 21 22	Q. Did you tell Kloosterman during the interview that you had with her? A. No. Q. How come? A. It didn't come up in that detail. Q. Well, she was asking you questions, you met for about an hour, and in number six, according to her notes, she asked you, "Is there
15 16 17 18 19 20 21 22 23	MR. TUCKER: Objection. He's just said he did. BY MS. GURMANKIN: Q. At the time that you heard her call Will Turney a whore more than five times from the end of 2015 through the end of 2016, did you ever pull her aside, anywhere other than the group setting, and tell her that she shouldn't be saying that or it wasn't appropriate?	15 16 17 18 19 20 21 22 23	 Q. Did you tell Kloosterman during the interview that you had with her? A. No. Q. How come? A. It didn't come up in that detail. Q. Well, she was asking you questions, you met for about an hour, and in number six,

	Shell Exploration & Production Company Apparachia, et al.		HONDO BLAKLET, 0/10/15
	Page 337		Page 339
1	items we discussed today that hasn't been asked	1	A. Does that include
2	yet?"	2	Q. That includes everybody. It's just a
3	Do you see that?	3	yes-or-no question. Did you have any other
4	A. Yup.	4	conversations
5	Q. Do you recall her asking that?	5	MR. TUCKER: You can answer that
6	A. Yup.	6	question.
7	Q. Any explanation as to for why you	7	BY MS. GURMANKIN:
8	didn't tell her that Jesse called her supervisor a	8	Q with anybody after that 12/7/2016
9	whore more than five time?	9	interview with Kloosterman about Jesse's
10	A. In that conversation, it just didn't	10	complaints?
11	come up in that much that detail.	11	A. Up to today?
12	Q. Well, you could have brought it up,	12	Q. Yeah.
13	right?	13	A. Yes.
14	A. I could have.	14	Q. Who?
15	Q. Any reason why you didn't?	15	A. HR people.
16	A. No.	16	Q. Who?
17	Q. Up through today, have I told anyone	17	A. Michelle Priest.
18	in the company, other than Steve Craig, that Jesse	18	Q. Anyone else?
19	referred to Will Turney as a whore more than five	19	A. And Shell legal.
20	times?	20	Q. Who?
21	A. Not that I recall.	21	A. Rosa Garcia.
22	Q. Who else was around when she did that?	22	Q. Anyone else?
23	A. Mark Hoover.	23	A. Cynthia Blevins [ph], I believe.
24	Q. Anyone else?	24	Q. Is she in legal?
	·		
	Page 338		Page 340
1	A. Probably Wayne Fletcher.	1	A. Yes.
2	Q. Anyone else?	2	Q. Anyone else?
3	A. That would be all that I would recall.	3	A. Joe Tucker.
4	Q. Were Wayne and Mark Hoover around	4	Q. At Shell.
5	during each of these more than five times that she	5	A. Oh.
6	did this?	6	Q. Anyone else?
7	A. I don't recall each one.	7	A. No, I believe those are the only
8	Q. After this conversation with this	8	that's it, to the best of my recollection.
9	interview with Kloosterman, did you have a	9	Q. When did you speak with Michelle
10	discussion with anyone else at the company about	10	Priest?
11	Jesse's complaints?	11	A. There was a follow-up interview in
12	A. No.	12	2017, the end of 2017, and she had further
13	MR. TUCKER: Other than counsel you	13	questions.
14	mean?	14	Q. How did that how did you come to
15	MS. GURMANKIN: No, I mean anyone at	15	strike that.
16	the company.	16	How did you come to talk to Michelle
17	MR. TUCKER: Answer.	17	Priest at the end of 2017?
18	BY MS. GURMANKIN:	18	A. She asked for me to.
19	Q. Is your answer the same?	19	Q. Did you speak in person?
20	A. Repeat the question.	20	A. No.
21	Q. Sure.	21	Q. Over the phone?
22	After that interview with Kloosterman	22	A. Yes.
23	on 12/7/2016, did you speak with anyone at the	23	Q. Did she tell you why?
24	company about Jesse's complaints?	24	A. No. At the time there was just she
L			

	Page 341		Page 343
1	said she had some follow-up interview questions.	1	A. I don't understand what the warning
2	Q. What did she ask you?	2	what the warning was around.
3	A. I don't recall the questions	3	Q. Are you aware that he was given a
4	specifically.	4	warning, period?
5	Q. What do you recall generally about	5	A. I don't recall being aware of that,
6	them?	6	no.
7	A. They were follow-up to some of the	7	Q. Did you ever talk to Turney about your
8	stuff that was on Megan's initial question set.	8	interview with Kloosterman?
9	Q. What do you recall her asking? I	9	A. No.
10	understand you don't remember the exact questions.	10	 Q. At some point after your interview
11	Do you remember anything about them?	11	with Kloosterman, did Jesse's position change at
12	A. I don't recall enough to say. It was	12	all?
13	a short conversation.	13	A. Yes.
14	 Q. Do you recall them being related to 	14	Q. How?
15	the questions that Kloosterman asked you or	15	A. She was moved to the HSE group.
16	similar in nature?	16	Q. How did you become aware of that?
17	A. Yes.	17	A. I was told that she was moving to the
18	Q. How long was that conversation?	18	HSE group.
19	A. Half hour.	19	Q. Who told you?
20	Q. Other than that and the conversations	20	A. Steve Craig.
21	you had with Rosa Garcia and Cynthia Blevins [ph],	21	Q. What did he tell you about that?
22	any other conversations you had with anyone at	22	A. That Jesse would be moving to the HSE
23	Shell regarding Jesse's complaint?	23	group.
24	A. Not that I recall.	24	Q. Did he tell you why?
	Page 342		Page 344
1	Q. Were you ever given an update as to	1	A. No.
2	how the investigation turned out?	2	
3			Q. Did he tell you into what role?
5	MR. TUCKER: Other than through	3	Q. Did he tell you into what role?A. Not at that time.
4	MR. TUCKER: Other than through conversations you may have had with counsel,		
	<u> </u>	3	A. Not at that time.
4	conversations you may have had with counsel,	3 4	A. Not at that time. Q. At some point?
4 5	conversations you may have had with counsel, including current counsel.	3 4 5	A. Not at that time.Q. At some point?A. Yeah. It was a it was an HSE role
4 5 6	conversations you may have had with counsel, including current counsel. BY MS. GURMANKIN:	3 4 5 6	A. Not at that time.Q. At some point?A. Yeah. It was a it was an HSE roleI later learned.
4 5 6 7	conversations you may have had with counsel, including current counsel. BY MS. GURMANKIN: Q. Were you ever given an update? Just a yes-or-no question. MR. TUCKER: Other than you can	3 4 5 6 7	 A. Not at that time. Q. At some point? A. Yeah. It was a it was an HSE role I later learned. Q. When did when did Craig initially have the discussion with you in which he told you that Jesse was moving to the HSE group?
4 5 6 7 8	conversations you may have had with counsel, including current counsel. BY MS. GURMANKIN: Q. Were you ever given an update? Just a yes-or-no question. MR. TUCKER: Other than you can tell her anything that you know from anyone	3 4 5 6 7 8	 A. Not at that time. Q. At some point? A. Yeah. It was a it was an HSE role I later learned. Q. When did when did Craig initially have the discussion with you in which he told you that Jesse was moving to the HSE group? A. Well, it would have been the spring of
4 5 6 7 8 9 10	conversations you may have had with counsel, including current counsel. BY MS. GURMANKIN: Q. Were you ever given an update? Just a yes-or-no question. MR. TUCKER: Other than you can tell her anything that you know from anyone who's not a lawyer.	3 4 5 6 7 8 9	A. Not at that time. Q. At some point? A. Yeah. It was a it was an HSE role I later learned. Q. When did when did Craig initially have the discussion with you in which he told you that Jesse was moving to the HSE group? A. Well, it would have been the spring of 2018.
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	conversations you may have had with counsel, including current counsel. BY MS. GURMANKIN: Q. Were you ever given an update? Just a yes-or-no question. MR. TUCKER: Other than you can tell her anything that you know from anyone who's not a lawyer. BY MS. GURMANKIN: Q. Right now it's just a yes-or-no question. Were you ever given an update as to the results of the investigation? A. No. Q. Were you aware that Turney was given a warning? A. Warning pertaining to? Q. Were you aware that he was given a warning, period? A. I don't recall.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Not at that time. Q. At some point? A. Yeah. It was a it was an HSE role I later learned. Q. When did when did Craig initially have the discussion with you in which he told you that Jesse was moving to the HSE group? A. Well, it would have been the spring of 2018. Q. And when does he tell you that she's moved into an HSE role? A. I think it was shortly after that there was a community had a group meeting and one of them was that Jesse was going to take a role as an HSE person in the HSE group. Q. Anything else that Steve Craig tells you about that? A. Just said she would be reporting to Steve Ellis. Q. Anything else?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	conversations you may have had with counsel, including current counsel. BY MS. GURMANKIN: Q. Were you ever given an update? Just a yes-or-no question. MR. TUCKER: Other than you can tell her anything that you know from anyone who's not a lawyer. BY MS. GURMANKIN: Q. Right now it's just a yes-or-no question. Were you ever given an update as to the results of the investigation? A. No. Q. Were you aware that Turney was given a warning? A. Warning pertaining to? Q. Were you aware that he was given a warning, period? A. I don't recall. Q. You don't recall if you're aware of	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Not at that time. Q. At some point? A. Yeah. It was a it was an HSE role I later learned. Q. When did when did Craig initially have the discussion with you in which he told you that Jesse was moving to the HSE group? A. Well, it would have been the spring of 2018. Q. And when does he tell you that she's moved into an HSE role? A. I think it was shortly after that there was a community had a group meeting and one of them was that Jesse was going to take a role as an HSE person in the HSE group. Q. Anything else that Steve Craig tells you about that? A. Just said she would be reporting to Steve Ellis. Q. Anything else? A. Not that I recall.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	conversations you may have had with counsel, including current counsel. BY MS. GURMANKIN: Q. Were you ever given an update? Just a yes-or-no question. MR. TUCKER: Other than you can tell her anything that you know from anyone who's not a lawyer. BY MS. GURMANKIN: Q. Right now it's just a yes-or-no question. Were you ever given an update as to the results of the investigation? A. No. Q. Were you aware that Turney was given a warning? A. Warning pertaining to? Q. Were you aware that he was given a warning, period? A. I don't recall.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Not at that time. Q. At some point? A. Yeah. It was a it was an HSE role I later learned. Q. When did when did Craig initially have the discussion with you in which he told you that Jesse was moving to the HSE group? A. Well, it would have been the spring of 2018. Q. And when does he tell you that she's moved into an HSE role? A. I think it was shortly after that there was a community had a group meeting and one of them was that Jesse was going to take a role as an HSE person in the HSE group. Q. Anything else that Steve Craig tells you about that? A. Just said she would be reporting to Steve Ellis. Q. Anything else?

	Page 345		Page 347
1	Jesse after your 12/7/2016 interview with	1	qualification.
2	Kloosterman?	2	Q. Was Jesse qualified for the position?
3	A. Yes.	3	A. No.
4	Q. Through earlier this year?	4	Q. Then why was she interviewed?
5	A. Yes.	5	A. Because she applied for it.
6	Q. Sometime around late 2016 did there	6	Q. Does Shell have a practice of
7	become a position a scheduler position open?	7	interviewing everybody who applies for a position
8	A. Yes.	8	whether or not they're qualified?
9	Q. And was that what group was that	9	MR. TUCKER: Objection.
10	in?	10	BY MS. GURMANKIN:
11	A. Maintenance.	11	Q. You can answer.
12	Q. Who was the hiring manager for that	12	A. Repeat the question.
13	position?	13	Q. Sure.
14	A. Will Turney.	14	Does Shell have a practice of
15	Q. Do you know who was hired for that	15	interviewing every employee who applies for a
16	position?	16	position even if they're not qualified?
17	A. Jeremy Greene.	17	MR. TUCKER: Objection.
18	Q. Do you know who else applied for the	18	THE WITNESS: It does occur, yes.
19	position?	19	BY MS. GURMANKIN:
20	A. Jesse Barnes.	20	Q. I'm sorry?
21	Q. Anyone else?	21	A. It can occur, yes.
22	A. Not that I recall.	22	Q. Is it a practice?
23	Q. Who made the decision to select Jeremy	23	MR. TUCKER: Objection.
24	Greene for that position?	24	THE WITNESS: It can occur. I
	Page 346		Page 348
1	A. Will Turney.	1	won't I'm not going to say it's a
2	Q. Was that solely Will's decision?	2	practice. It just depends on the situation.
3	 A. He was the hiring manager, yes. 	3	BY MS. GURMANKIN:
4	Q. Were you involved in the decision?	4	 Q. Is there anything in writing that
5	A. I provided input.	5	states that employees should be interviewed for a
6	Q. Other than providing input, were you	6	job even if they're not qualified for it?
7	involved in the decision?	7	A. I've never seen it in writing to the
8	A. Ultimately, it was Will's decision	8	best of my recollection.
9	being the hiring manager. So I provided input to	9	Q. Is there any other occasion in which
10	the decision, but ultimately it was his to make.	10	you've been involved in interviewing a candidate
11	Q. Other than providing input, did you	11	for a position even if the determination has been
12	have any involvement in the decision?	12	made that they're not qualified?
13	A. No.	13	MR. TUCKER: Objection. It's
14	Q. Were you involved in interviewing	14	confusing, but you may answer it if you
15	Jesse?	15	understand it.
16	A. Yes.	16	THE WITNESS: I didn't.
17	Q. Was Jeremy interviewed?	17	BY MS. GURMANKIN:
18	A. Yes.	18	Q. You didn't understand the question?
19	Q. Were you involved in that interview as	19	A. No.
20	well?	20	MS. GURMANKIN: Would you mind, Nancy,
21	A. Yes.	21	reading that back?
22	Q. Were both of them qualified for the	22	Thank you.
	position?	23	
23 24	A. Both of them had different levels of	24	(Whereupon, the court reporter read

		1
	Page 349	Page 351
1	from the record.)	1 Q. You're being shown what's been marked
2		2 as Exhibit 11, Shell 878 through 881. This has
3	MR. TUCKER: Objection. They're not	3 been produced by the company as the scheduler job
4	qualified before the position or not	4 description.
5	qualified after the interview for the	5 Have you seen this before?
6	position? Which one?	6 A. Yes.
7	MS. GURMANKIN: Object to form.	7 Q. And this is in connection with the
8	THE WITNESS: Say that again.	8 scheduler position that Jeremy Greene was selected
9	MR. TUCKER: Your question is unclear,	9 for?
10	qualified before or qualified after.	10 A. Yes.
11	MS. GURMANKIN: You can object to the	11 Q. What is it on here that Jesse wasn't
12	form, but Mr. Blakley, can you answer the	12 qualified for?
13	question?	13 MR. TUCKER: Objection to the
14	MR. TUCKER: If he understand the	14 question.
15	question, you can answer it.	15 THE WITNESS: Can you repeat the
16	THE WITNESS: We've had both occasions	16 question?
17	where they've been unqualified before and	17 BY MS. GURMANKIN:
18	unqualified after.	18 Q. Sure.
19	BY MS. GURMANKIN:	19 What skill or requirement or anything
20	 Q. Other than interviewing Jesse for the 	20 that's listed on this job description did was
21	scheduler position, during your entire employment	21 Jesse not qualified to handle?
22	at Shell, have you interviewed any other	22 A. When you look the experience in
23	individual for a position who you've determined is	23 maintenance work and projects.
24	not qualified?	Q. Where are you?
	Page 350	Page 352
1	A. Yes.	1 A. Page two.
2	Q. Who?	2 Q. Where?
3	A. Some operators.	3 A. Under skills and requirements.
4	Q. Who?	4 Q. Uh-huh.
5	A. I don't recall any names. I haven't	5 A. "Maintenance scheduler should be
6	interviewed an operator for a while, but it was	6 skilled in producing an integrated schedule of
7	after the interview.	7 operational and maintenance activities. An
8	Q. Was there a determination made before	8 industry background and experience of working in a
9	or after the interview that Jesse was not	9 trade discipline is essential."
10	qualified?	So a trade discipline and then, "A
11	A. After.	11 minimum of five years experience in maintenance
12	Q. Based on what?	12 work and projects."
13	A. Work knowledge.	13 Q. All right. I want to make sure I got
14	Q. Based on the interview?	this accurate. So she was determined to be not
15	A. Yeah.	qualified because she was not skilled in producing
16	Q. What did she say during the interview	an integrated schedule of operational and
17	that led you to determine that she wasn't	17 maintenance activities?
18	qualified?	18 MR. TUCKER: He's talking about from
19	A. Maintenance field experience.	19 his perspective.
20	(100)	20 MS. GURMANKIN: Yeah. Right.
21	(Whereupon, Exhibit 11 was marked for	21 MR. TUCKER: Yes.
22	identification by Ms. Gurmankin.)	22 BY MS. GURMANKIN:
23	DV MC CUDMANIZINI	23 Q. Right?
24	BY MS. GURMANKIN:	24 A. Yes.
		I and the second

determination that she was not skilled in producing an integrated schedule of operational and maintenance activities? A. The lack of experience in maintenance work. So to be able to schedule maintenance work, you need to understand the field side of maintenance, how long it takes to do a job. Q. Did you know that before the interview? 1 A. Yes. Q. So why was she interviewed? 1 A. Yes. WR. TUCKER: Objection, asked and answered. MR. TUCKER: Objection, asked and answered. MR. TUCKER: Objection, asked and answered. MR. TUCKER: Objection, asked and determination span, the span of the interview of the interview has even of qualified? A. Before the interview based on your knowledge, that she was not qualified? Q. Vup. A. Before the interview that She was not skilled in producing an integrated schedule of operational and maintenance activities based on your knowledge of the work and your experience with her, right? A. Yes. Q. Okay. So based on your knowledge, you determine before the interview that she was not skilled in producing an integrated schedule of operational and maintenance activities based on your knowledge or her work and your experience with her, right? A. Yes. Q. Okay. So based on your knowledge, you determined before the interview that she was not skilled in producing an integrated schedule of operational and maintenance activities based on your knowledge or her work and your experience with her, right? A. Yes. Q. Okay. So based on your knowledge prior to the interview that she was not skilled in producing an integrated schedule of operational and maintenance activities. Yes the producing an integrated conditions and maintenance activities and the the decision of the interview of the the interview that she was not skilled in producing an integrated schedule of operational and maintenance activities. Yes the remainded producing an integrated schedule of operational and maintenance activities. Yes the producing an integrated schedule of operational and maintenance activities. Yes the producing an integ		Page 353		Page 355
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11	10	-	10	MS. GURMANKIN: Do you mind. Nancy?
12 MR. TUCKER: Objection, asked and 13 (Whereupon, the court reporter read 14 manwered. 14 from the record.)	11	A. Yes.	11	
MR. TUCKER: Objection, asked and answered. You may answer again. BY MS. GURMANKIN: Q. Well, let me ask it this way. Did you determine before the interview hased on your knowledge, that she was not qualified? A. Before the interview? Q. Yup. A. We don't make any determination until we interview everybody that's applied. By Ms. Gurmankin: Page 354 She was not skilled in producing an integrated schedule of operational and maintenance activities, on A. Yeah. Q. You knew that before the interview, for determined before the interview that the function was made, yes. Q. Okay. So based on your knowledge, you determined before the interview that she was not skilled in producing an integrated sand cativities, you know that she wasn't qualified for the scheduler position, correct? A. We did not make any determinations. Q. You. Based on your knowledge, you determined before the interview that she wasn't the interview that she was not skilled in producing an integrated sand maintenance activities, you have the decision to select Jeremy over Jesse for the scheduler position, correct? A. He would have said that the decision was made, yes. Q. Okay. So based on your knowledge, you determined before the interview that she wasn't qualified for the scheduler position, correct? A. We did not make any determinations. Q. You. Based on your knowledge prior to the interview that she was not skilled in producing an integrated schedule of operational and maintenance activities, you determined before the interview that she wasn on the interview that she wasn't qualified for this producing an integrated schedule of operational and maintenance activities, you determined before the interview that she wasn on the interview that she wasn't qualified for this producing an integrated schedule of operational and maintenance activities, you determined before the interview that she wasn ont qualified for this position, correct? A. We did not make any determination. Q. You. Based on your knowledge prior to the interview that she	12	Q. So why was she interviewed?	12	
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16 BY MS. GURMANKIN: Q. Well, let me ask it this way. Did you determine before the interview, based on your las knowledge, that she was not qualified? A. Before the interview? A. We don't make any determination until we interview everybody that's applied. Q. Yup. A. We don't make any determination until we interview everybody that's applied. Q. But you knew before the interview that Page 354 she was not skilled in producing an integrated schedule of operational and maintenance activities based on your knowledge of her work and your experience with her, right? A. Correct. Q. Okay. So based on your knowledge, you determined before the interview that she was not skilled in and maintenance activities the interview that she was not producing an integrated shaded in the interview that she was not skilled in producing and maintenance activities as a constant of the interview of the interview, right? A. Correct. Q. Okay. So based on your knowledge, you determined before the interview that she wasn't qualified for the scheduler position, correct? A. We did not make any determinations. Q. You. Based on your knowledge prior to the interview that she was not skilled in and maintenance activities, you determined before the interview that she was not qualified for this position, correct? MR. TUCKER: Objection. He said no, he didn't make a determination, and you keep asking - MR. TUCKER: Objection. He said no, he didn't make a determination, and you keep asking - MR. SURMANKIN: He said we. I'm asking about you. A. THE WITNESS: Because everybody has what the to understand what the gaps are. BY MS. GURMANKIN: Q. Okay. Jeremy Greene also had gaps? A. Yes. Q. Did Turney ever tell you why he made the decision to select Jeremy over Jesse for the scheduler position? A. No. Q. So at some point he tells you he's made that decision, correct? A. He would have said that the decision was made, yes. Q. Do you recall that? A. Yes. Q. Do you recall that? A. I asked what the conclosure was her interview that she w	15	You may answer again.	15	
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21 Q. Yup. A. We don't make any determination until 22 A. Yes. 23 we interview everybody that's applied. 24 Q. But you knew before the interview that 25 Shedule of operational and maintenance activities based on your knowledge of her work and your experience with her, right? 4 A. Yeah. 5 A. Yeah. 6 Q. You knew that before the interview, right? 7 right? 8 A. Correct. 9 Q. Okay. So based on your knowledge, you determined before the interview that she was not skilled in producing an integrated sand producing an integrated sone during the interview that she was not skilled in producing an integrated sone during the first producing an integrated schedule of operational and maintenance activities based on your knowledge, you determined before the interview that she was not skilled in producing an integrated schedule of operational and maintenance activities, you determined before the interview that she was not skilled in producing an integrated schedule of operational and maintenance activities, you determined before the interview that she was not qualified for this position, correct? 10 MR. TUCKER: Objection. He said no, he didn't make a determination, and you keep asking - MS. GURMANKIN: He said we. I'm 22 A. That she wasn't qualified? 23 Q. What were his gaps? A. Yes. Q. Did Turney ever tell you why he made the decision to select Jeremy over Jesse for the scheduler position? A. No. Q. So at some point he tells you he's made that decision, correct? A. He would have said that the decision was made, yes. Q. Do you recall that? A. Uh-huh. Q. Yes? A. Hawould say wes. Q. Did he ever tell you he made the determination that Jesse wasn't qualified? A. I asking - Q. Do you recall him saying that? A. I would say yes. Q. Do you recall him saying that? A. I would say yes. Q. Do you recall him saying that? A. I would say yes. Q. Do you recall him saying that?	20	•	20	5 .
A. We don't make any determination until we interview everybody that's applied. Q. But you knew before the interview that Page 354 she was not skilled in producing an integrated schedule of operational and maintenance activities based on your knowledge of her work and your experience with her, right? A. Yeah. Q. You knew that before the interview, right? A. Correct. Q. Okay. So based on your knowledge, you determined before the interview that she wasn't qualified for the scheduler position, correct? A. We did not make any determinations. Q. You. Based on your knowledge prior to the interview that she was not skilled in producing an integrated schedule of operational and maintenance activities, you determined before the interview that she was not qualified for the interview that she was not qualified for the interview that she was not qualified for the interview that she was not skilled in producing an integrated schedule of operational and maintenance activities, you determined before the interview that she was not qualified for this position, correct? MR. TUCKER: Objection. He said no, he didn't make a determination, and you keep MR. TUCKER: Objection. He said we. I'm MS. GURMANKIN: He said we. I'm A. Veah. A. Yes. Q. What were his gaps? A. I don't recall. Page 356 Q. What were his gaps? A. I don't recall. Page 356 Q. Did Turney ever tell you why he made the decision to select Jeremy over Jesse for the scheduler position? A. No. Q. So at some point he tells you he's made that decision, correct? A. He would have said that the decision was made, yes. Q. Do you recall that? A. Uh-huh. Q. Yes? A. Yes. Q. And you don't ask why? A. I asked what the conclusion was. He said, based off of the interviews and the different backgrounds, they decided to go with Jeremy. A. I would say yes. Q. Did he ever tell you he made the determination that Jesse wasn't qualified? A. I would say yes. Q. Do you recall him saying that? A. That she wasn't qualified? A. That she wasn't qualified? A. That she was	21		21	Q. Okav. Jeremy Greene also had gaps?
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Page 354 Page 354 Page 356 Ashe was not skilled in producing an integrated schedule of operational and maintenance activities based on your knowledge of her work and your experience with her, right? A. Yeah. Correct. Co. Did Turney ever tell you why he made the decision to select Jeremy over Jesse for the scheduler position? A. No. A. No. Co. So at some point he tells you he's made that decision, correct? A. He would have said that the decision was made, yes. Co. Okay. So based on your knowledge, you determined before the interview that she wasn't qualified for the scheduler position, correct? A. We did not make any determinations. Co. You Based on your knowledge, you determined before the interview that she wasn't the interview that she was not skilled in producing an integrated schedule of operational and maintenance activities, you determined before the interview that she was not qualified for this position, correct? MR. TUCKER: Objection. He said no, he didn't make a determination, and you keep asking MS. GURMANKIN: He said we. I'm asking about you. A. I don't recall. Q. Did Turney ever tell you why he made the decision to select Jeremy over Jesse for the schedule rosition; and you was schedule rosition? A. No. Q. So at some point he tells you he's made that decision, correct? A. He would have said that the decision was made, yes. Q. Do you recall that? A. Houndhave said that the decision was made, yes. Q. Pes? A. He would have said that the decision was made, yes. Q. Yes? A. Jesked what the conclusion was. He said, based off of the interviews and the different backgrounds, they decided to go with Jeremy. Q. Did he ever tell you he made the determination that Jesse wasn't qualified? A. I would say yes. Q. Do you recall him saying that? A. I would say yes. Q. Do you recall him saying that?	23		23	Q. What were his gaps?
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				·
A. Not those specific words.				
	⊿ 寸	THE WITNESS. TUIL HOL HIARE ATTY	4	A. Not those specific words.

	Page 357	Page 359
1	Q. What do you recall him saying about	1 VIDEOGRAPHER: This will begin file
2	that?	2 number six in the videotaped deposition of
3	A. That they decided to go with Jeremy.	3 Hondo Blakley in the matter of Jesse Barnes
4	Q. Other than saying that he based it on	4 v. Shell, et al.
5	the interviews, did he give you any information as	5 We're going back on the record at 4:37
6	to why he made that decision?	6 p.m.
7	A. I don't recall specifically.	7 BY MS. GURMANKIN:
8	Q. Do you recall generally?	8 Q. All right. I'm showing you what's
9	A. That Jeremy was better qualified.	9 been marked as Exhibit 12, Shell 642 through 668.
10	Q. Did he tell you why?	10 I just want you to go through it. I believe, and
11	A. So it wasn't that Jesse wasn't	correct me if I'm wrong, that your handwriting
12	qualified, it was that Jeremy had more	starts on page eight, but if you could let me
13	qualifications. He had SAP qualifications and he	13 know.
14	also had a maintenance background.	14 A. Yes, that's my handwriting on page
15	Q. Did Turney tell you that he determined	15 eight.
16	that Jeremy was better qualified?	Q. And where does it go to?
17	A. Better qualified, yes.	17 MS. GURMANKIN: Bless you.
18	Q. And that's why he selected Jeremy?	18 Bless you.
19	A. Yes.	19 MR. TÜCKER: Thank you.
20	Q. Did he tell you why he made the	20 THE WITNESS: Fourteen.
21	determination that Jeremy was better qualified?	21 BY MS. GURMANKIN:
22	A. He had a maintenance background.	22 Q. Fourteen?
23	Q. Any other reason that Turney gave you?	23 A. Uh-huh.
24	A. He had he had a maintenance	24 Q. Yes?
	Page 358	Page 360
1	background was the main one.	1 A. Yes.
2	Q. Any other reason that Turney gave you?	2 Q. These are your interview notes?
3	A. No.	3 A. Yes.
4	Q. When did you interview Jesse?	4 Q. Just of Jesse or Jeremy as well?
5	A. Oh, I guess it would have been in	5 A. Jeremy would be start at page 21.
6	about October, November.	6 Q. So 8 through 14 are just you interview
7	THE WITNESS: I need to take a break.	7 notes regarding Jesse, correct?
8	Can I?	8 A. Yes.
9	MS. GURMANKIN: Sure.	9 Q. Is there anywhere on those pages
10	MR. TUCKER: Yes, you can. Just take	and sorry. Are you did you take those notes
11	your microphone off.	11 during the interview?
12	VIDEOGRAPHER: This will conclude file	12 A. Yes.
13	number five in the videotaped deposition of	13 Q. Is there anywhere on those pages where
14	Hondo Blakley in the matter of Jesse Barnes	14 you indicate that she's not qualified for the
15	versus Shell, et al.	position or she doesn't meet the qualifications
16	We are going off the record at 4:28	16 for the position?
17	p.m.	17 A. No.
18		18 Q. Did you ever see documentation
19	(Whereupon, a recess was taken from	anywhere up through today indicating why Jeremy
20	4:28 p.m. until 4:37 p.m.)	was given the position over Jesse?
20	o po. p)	
21		21 A. No.
	(Whereupon, <mark>Exhibit 12</mark> was marked for	21 A. No. 22 Q. The scheduler position, I'm correct,
21	<u> </u>	Q. The scheduler position, I'm correct, would have been a promotion for Jesse?
21 22	 (Whereupon, <mark>Exhibit 12</mark> was marked for	22 Q. The scheduler position, I'm correct,

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	Page 361		Page 363
1	Q. All right. Going back to Exhibit <mark>7</mark> ,	1	A. Legal counsel.
2	which is now in front of you. This is Jesse's	2	Q. Within Shell?
3	Complaint that she filed in federal court. Can	3	A. Yes.
4	you look at page 12, paragraph 38.	4	Q. Is this Rosa Garcia again?
5	Are you there?	5	A. Her or Cynthia.
6	A. Yes.	6	Q. Okay. When?
7	Q. It says, "Turney and Blakley conducted	7	MR. TUCKER: And just for purpose of
8	Plaintiff's interview for the scheduler position."	8	the record it's Bivins, B-i-v-i-n-s.
9	True, correct?	9	BY MS. GURMANKIN:
10	A. Yes.	10	Q. When were you asked about that?
11	Q. "During the interview Turney and	11	A. The initial conversations
12	Blakley laughed when Plaintiff told them that she	12	MR. TUCKER: Let's stop right there.
13	wanted the position because she wanted to advance	13	MS. GURMANKIN: The answer is when.
14	her career at Defendants." I'll stop there for a	14	When?
15	second.	15	MR. TUCKER: Do you know the date?
16	Did did Jesse say during the	16	THE WITNESS: No.
17	interview something to the effect of that she	17	BY MS. GURMANKIN:
18	wanted the position because she wanted to advance	18	Q. Do you know the year?
19	in her career at Shell?	19	A. No, I do not recall the date.
20	A. Yes.	20	Q. Do you recall the year?
21	Q. And did you or Will laugh?	21	A. It would have been 2018.
22	A. No.	22	Q. Prior to that, did anyone from Shell
23	Q. What was your response?	23	ask you about Jesse not getting the scheduler
24	A. We agreed. There's no reason for us	24	position?
	D 260		
			Daga 261
	Page 362		Page 364
1	not to want her to to make her expand her	1	A. No.
2	not to want her to to make her expand her career.	2	A. No. MS. GURMANKIN: Okay. Let me just
2 3	not to want her to to make her expand her career. Q. So did you say anything when she said	2	No. MS. GURMANKIN: Okay. Let me just take a five-minute break and see if I have
2 3 4	not to want her to to make her expand her career. Q. So did you say anything when she said that?	2 3 4	A. No. MS. GURMANKIN: Okay. Let me just take a five-minute break and see if I have anything else for you and then we should be
2 3 4 5	not to want her to to make her expand her career. Q. So did you say anything when she said that? A. We agreed that that was a good goal to	2 3 4 5	A. No. MS. GURMANKIN: Okay. Let me just take a five-minute break and see if I have anything else for you and then we should be close to be being done.
2 3 4 5 6	not to want her to to make her expand her career. Q. So did you say anything when she said that? A. We agreed that that was a good goal to have.	2 3 4 5 6	A. No. MS. GURMANKIN: Okay. Let me just take a five-minute break and see if I have anything else for you and then we should be close to be being done. VIDEOGRAPHER: We're now going off the
2 3 4 5 6 7	not to want her to to make her expand her career. Q. So did you say anything when she said that? A. We agreed that that was a good goal to have. Q. Both of you said that?	2 3 4 5 6 7	A. No. MS. GURMANKIN: Okay. Let me just take a five-minute break and see if I have anything else for you and then we should be close to be being done.
2 3 4 5 6 7 8	not to want her to to make her expand her career. Q. So did you say anything when she said that? A. We agreed that that was a good goal to have. Q. Both of you said that? A. Yes.	2 3 4 5 6 7 8	A. No. MS. GURMANKIN: Okay. Let me just take a five-minute break and see if I have anything else for you and then we should be close to be being done. VIDEOGRAPHER: We're now going off the record. The time on the camera is 4:44.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	not to want her to to make her expand her career. Q. So did you say anything when she said that? A. We agreed that that was a good goal to have. Q. Both of you said that? A. Yes. Q. "Turney and Blakley also told Plaintiff that they did not think she would do well in the position." Is that true? A. No. Q. At any point did you say that? A. No. Q. Did you speak with Jesse at any point after the interview regarding this position or her not getting it? A. Not that I recall. Q. Did anyone from HR or from did	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. No. MS. GURMANKIN: Okay. Let me just take a five-minute break and see if I have anything else for you and then we should be close to be being done. VIDEOGRAPHER: We're now going off the record. The time on the camera is 4:44. (Whereupon, a recess was taken from 4:44 p.m. until 4:49 p.m.) VIDEOGRAPHER: We are now back on the record at 4:49 p.m. BY MS. GURMANKIN: Q. Did you ever hear any rumors of male supervisors or managers having sexual or romantic relationships with female subordinates at Shell? A. No. Q. When you heard Jesse refer to Will Turney as a whore more than five times, did you
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	Daga 265		Page 267
	Page 365		Page 367
1	A. In the context that it was said, it	1	A. She was intoxicated.
2	was back and forth banter.	2	Q. How do you know this?
3	Q. Did you ever hear Turney refer call	3	A. By mannerisms, talking about it, how
4	Jesse a name?	4	much that she had drank a lot.
5	A. No.	5	Q. Speaking of drinking, did Ms. Barnes
6	Q. Other than hearing Jesse call Will	6	tell you that she drank a lot?
7	Turney a whore more than five times, did you ever	7	A. She said, "I've had a lot to drink
8	hear any other employee at Shell refer to any	8	today."
9	other employee or contractor by a name?	9	 Q. On other occasions, separate from this
10	A. Yes.	10	golfing incident, after weekends, would Ms. Barnes
11	Q. Who?	11	tell you about any events that she would have
12	 A maintenance guy called another 	12	during the weekend as far as drinking is
13	maintenance guy a jerk once.	13	concerned?
14	Q. Who were those two guys?	14	A. Yes.
15	 A. Ken Phelps and it was Don Coolidge. 	15	Q. Tell us about that, please.
16	Q. Who called whom a jerk?	16	A. There were instances where she would
17	 Ken referred to Don as a jerk. 	17	come in Monday morning and her conversation would
18	Q. Any others?	18	start with, "I was so drunk over the weekend."
19	A. Not that I recall.	19	Q. Did you ever respond in turn?
20	MS. GURMANKIN: Okay. That's all I	20	A. At first I would listen to the stories
21	have for you at this time.	21	and then I'd coached her to let her know that
22	MR. TUCKER: I have a couple of	22	those were not appropriate to talk about all the
23	questions.	23	time in the in an office setting.
24	·	24	Q. Earlier in the morning counsel was
	Page 366		Page 368
1	EXAMINATION	1	asking you questions about training on Shell's
2		2	sexual harassment policy and you talked about two
3	BY MR. TUCKER:	3	specifics trainings in 2010 and 2017. Do you
4	Q. Did you know of Ms. Barnes carrying on	4	recall that?
5	sexual relationships with a married Shell employee	5	A. Yes.
6	who was a supervisor?	6	Q. In between 2010 and 2017, were you
7	A. Yes.	7	also getting training on Shell on Shell's
8	Q. Could you tell us about that?	8	sexual harassment and equal employment policies?
9	A. When Shell first came to the area, we	9	MS. GURMANKIN: Objection, asked and
10	had a construction supervisor named T. J. Hall.	10	answered.
11	Q. Uh-huh.	11	BY MR. TUCKER:
12	A. And he was working on assignment in	12	Q. You can answer the question.
13	this area and she was with him and he was married.	13	A. Yes.
14	Q. Was she living with him?	14	Q. Were these in-person trainings?
15	A. She was living with him.	15	A. No.
16	Q. And where was she living with him at?	16	Q. Those are the two types of training
17	A. A hotel that she was renting.	17	that counsel went over with you?
18	Q. You were talking about the golf	18	MS. GURMANKIN: Objection to the form.
19	tournament where Ms. Barnes' friend was	19	BY MR. TUCKER:
20	intoxicated. Do you recall answering questions	20	Q. Were those the two types when
21	about that?	21	counsel was showing you those documents earlier
22	A. Yes.	22	today, those are the in-person trainings?
23	Q. What was Ms. Barnes' level of	23	A. Yes.
24	intoxication on that day, if you recall?	24	Q. Could you tell us the other type of
I			

	Page 369		Page 371
1	training that you received between 2010 and 2017?	1	A. He told me.
2	A. CBT's.	2	Q. When?
3	Q. What are CBT's?	3	A. 2011, 2012.
4	A. Computer-based training.	4	Q. Was that while the relationship was
5	Q. And how frequently did you receive	5	going on?
6	computer-based training?	6	A. After it had ended.
7	A. Annually.	7	Q. Was he still an employee of Shell at
8	Q. And what and was this training on	8	the time that he told you?
9	Shell's sexual harassment policy?	9	A. Yes.
10	A. Ethics and compliance.	10	Q. And at the time Jesse was a contractor
11	Q. When Ms. Barnes complained to you	11	of Shell?
12	about sexual harassment when she was an employee	12	A. Yes.
13	of Serajen [ph], what did you do with that	13	Q. Did you think that Jesse engaging in a
14	complaint?	14	relationship with him was a violation of some sort
15	MS. GURMANKIN: I'm sorry. What	15	of company policy?
16	could you	16	A. No.
17	BY MR. TUCKER:	17	Q. Did you report it to anyone at the
18	Q. Do you recall questioning from	18	company?
19	Plaintiff's counsel pertaining to Ms. Barnes	19	A. No.
20	making a complaint to you of an employee allegedly	20	Q. Based on what T. J. Hall told you, did
21	sexually harassing her? Do you recall that	21	you conclude that Jesse had done anything
22	questioning?	22	inappropriate in connection with that
23	A. Yes.	23	relationship?
24	Q. When that complaint was given to you,	24	A. No.
	Page 370		Page 372
			rage 372
1	what did you to?	1	MR. TUCKER: As it relates to Shell
1 2	what did you to? A. Took it to the supervisor.	1 2	
	-		MR. TUCKER: As it relates to Shell
2	A. Took it to the supervisor.	2	MR. TUCKER: As it relates to Shell policy or morally?
2 3	A. Took it to the supervisor.Q. And why did you do that?	2 3	MR. TUCKER: As it relates to Shell policy or morally? BY MS. GURMANKIN:
2 3 4	A. Took it to the supervisor.Q. And why did you do that?A. That's the rules.	2 3 4	MR. TUCKER: As it relates to Shell policy or morally? BY MS. GURMANKIN: Q. Nope. That's the question. Your
2 3 4 5	 A. Took it to the supervisor. Q. And why did you do that? A. That's the rules. Q. Did Ms. Barnes ever complain to you 	2 3 4 5	MR. TUCKER: As it relates to Shell policy or morally? BY MS. GURMANKIN: Q. Nope. That's the question. Your answer is no?
2 3 4 5 6	 A. Took it to the supervisor. Q. And why did you do that? A. That's the rules. Q. Did Ms. Barnes ever complain to you that Mr. Turney or any other employee, once she 	2 3 4 5 6	MR. TUCKER: As it relates to Shell policy or morally? BY MS. GURMANKIN: Q. Nope. That's the question. Your answer is no? A. No policy was broken.
2 3 4 5 6 7	 A. Took it to the supervisor. Q. And why did you do that? A. That's the rules. Q. Did Ms. Barnes ever complain to you that Mr. Turney or any other employee, once she became an employee of Shell, sexually harassed 	2 3 4 5 6 7	MR. TUCKER: As it relates to Shell policy or morally? BY MS. GURMANKIN: Q. Nope. That's the question. Your answer is no? A. No policy was broken. Q. I didn't ask that. Did you conclude
2 3 4 5 6 7 8	 A. Took it to the supervisor. Q. And why did you do that? A. That's the rules. Q. Did Ms. Barnes ever complain to you that Mr. Turney or any other employee, once she became an employee of Shell, sexually harassed her? 	2 3 4 5 6 7 8	MR. TUCKER: As it relates to Shell policy or morally? BY MS. GURMANKIN: Q. Nope. That's the question. Your answer is no? A. No policy was broken. Q. I didn't ask that. Did you conclude that Jesse had done anything inappropriate? MR. TUCKER: Answer the question. THE WITNESS: Yes.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Took it to the supervisor. Q. And why did you do that? A. That's the rules. Q. Did Ms. Barnes ever complain to you that Mr. Turney or any other employee, once she became an employee of Shell, sexually harassed her? A. No. Q. If she would have, what would you have done? A. Immediately turned it in. Q. Are you sure that she has never complained to you about sexual harassment? A. Yes. MR. TUCKER: I have nothing further. MS. GURMANKIN: I have a few follow-ups. EXAMINATION BY MS. GURMANKIN:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. TUCKER: As it relates to Shell policy or morally? BY MS. GURMANKIN: Q. Nope. That's the question. Your answer is no? A. No policy was broken. Q. I didn't ask that. Did you conclude that Jesse had done anything inappropriate? MR. TUCKER: Answer the question. THE WITNESS: Yes. BY MS. GURMANKIN: Q. What? A. She had a relationship with a married man. Q. You testified no earlier before there was an objection made by your lawyer. You're changing your testimony now? A. Yes. Q. Based on what? A. My morals. Q. Did your morals change in the time between when you initially answered no and two

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	Page 373		Page 375
1	MR. TUCKER: It wasn't two minutes	1	report it to anyone at the company because you
2	later, but you may answer.	2	didn't think that anyone did anything
3	THE WITNESS: No.	3	inappropriate or that anyone violated any company
4	BY MS. GURMANKIN:	4	policy in connection with the relationship?
5	Q. So what changed	5	MR. TUCKER: Objection. It's a
6	A. The way	6	compound question.
7	Q between your initially answering no	7	BY MS. GURMANKIN:
8	and you're now answering yes?	8	Q. You can answer.
9	 The way I perceived the question. 	9	A. I didn't report it because it was
10	 Q. How did you perceive it initially that 	10	after the fact.
11	led you to answer no?	11	Q. You can still report conduct that's
12	 Company policy. 	12	after the factor, right? Or is your understanding
13	 Q. Did the company policy change between 	13	is you can only report something at the time that
14	the time you answered no	14	it's happening?
15	MR. TUCKER: No, he said	15	A. It was after the fact and there was
16	BY MS. GURMANKIN:	16	no I mean, you're free to have relationships.
17	Q and the time you answered yes?	17	Q. Is it your understanding that company
18	MR. TUCKER: No. That's not what he	18	policy requires only that you report something
19	said. He perceived the question didn't	19	that's happening at the time that it's happening?
20	violate a company policy.	20	A. No.
21	BY MS. GURMANKIN:	21	Q. So it has nothing to do with the fact
22	Q. Initially or the second time?	22	that you knew after the fact that it happened,
23	 A. Initially I perceived the question 	23	right?
24	that it was around company policy.	24	A. Correct.
	Daga 274		Page 376
	Page 374		
1	Q. And did you perceive it differently	1	Q. You testified that based on Jesse's
2	the second time?	2	mannerisms and talking about how much she had to
3	A. Yes.	3	drink, that you concluded that she was intoxicated
4	Q. How did you perceive it differently?	4 5	at the golf event, correct?
5	A. That immorally it's not right.	6	A. Yes.
6 7	Q. Did you believe that T. J. Hall	7	Q. What about her mannerisms led you to
	engaged in any inappropriate conduct in engaging	8	conclude that she was intoxicated? A. Slurred speech.
8 9	in this relationship? A. Yes.	9	A. Slurred speech. Q. Anything else?
		10	· -
10 11		11	A. Referencing the amount of alcohol that she had to drink through the day.
12	just morally or both? A. From what I understood of the	12	Q. Yeah. We're going to talk about how
13	relationship, morally.	13	much she said she had to drink. I just want to
14	Q. Did you also understand it to be a	14	know what was it about her mannerisms other than
15	violation of company policy?	15	slurred speech that led you to conclude that she
16	A. I don't know enough details to to	16	was intoxicated?
17	say what was said on his on his behalf.	17	A. Slurred speech, visual, wobbly, stuff
18	Q. I didn't ask what you knew about what	18	like that.
19	was said on his behalf. Based on your knowledge	19	Q. She was wobbly?
	of the relationship, did you believe that he	20	A. (Witness nods head.)
2.0	or and rolationist, and you bollove that he		Q. Yes?
20 21	violated company policy by engaging in this	1 ZI	
21	violated company policy by engaging in this relationship?	21 22	
21 22	relationship?	22 23	A. Yes.
21	relationship?	22	A. Yes.

	Page 377		Page 379
1	conclude that she was intoxicated?	1	A. Yes.
2	A. No.	2	Q. And what time was that conversation?
3	Q. How long did you speak with her in	3	A. Late afternoon.
4	which she slurred her speech?	4	Q. What time did the event start?
5	A. A few minutes.	5	A. Early in the morning.
6	Q. More than one?	6	Q. What time?
7	A. Yes.	7	A. I think tee off is like 9 o'clock.
8	Q. More than five?	8	Q. What time did it end?
9	A. Around five.	9	A. Five.
10	Q. And the company this was a company	10	Q. When did you first speak with Jesse
11	event, right?	11	where she was slurring her speech?
12	A. Yes.	12	A. Earlier that afternoon.
13	Q. And there was alcohol being served at	13	Q. What time?
14	the event?	14	A. I can't recall specifically.
15	A. Yes.	15	Q. What was the conversation about?
16	Q. Did you witness anyone else's	16	A. How the day went.
17	mannerisms at the event that led you to concluded	17	Q. Tell me what you recall her saying;
18	that they were intoxicated or was it only Jesse?	18	tell me what you recall you saying.
19	A. There were others that I concluded	19	A. I asked her how the day was going.
20	were intoxicated.	20	She said good, but she had had a lot to drink.
21	Q. Who?	21	Q. Is that the conversation that you just
22	A. I don't have specific names.	22	testified to?
23	Q. Multiple employees?	23	A. Yes.
24	A. Yeah.	24	Q. Is that the first time you noticed her
24	A. Tean.		d. To that the mot time you housed not
	Dama 270		
	Page 378		Page 380
1	Q. Will Turney?	1	Page 380 speech slurred?
1 2		1 2	
	Q. Will Turney?		speech slurred?
2	Q. Will Turney? A. No.	2	speech slurred? A. Yes.
2 3	Q. Will Turney?A. No.Q. Did Will Turney did you see him	2	speech slurred? A. Yes. Q. Is that the only time you talked to
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Will Turney? A. No. Q. Did Will Turney did you see him drink alcohol? A. No. Q. Did he tell you whether or not he had drunk any alcohol? A. No. Q. At some point Jesse said to you that she had a lot to drink today? A. Yes. Q. Were those her exact words? A. Yes. Q. Did she just walk up to you and say that or was there was that part of a conversation? A. It was a short conversation. Q. What did she say?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	speech slurred? A. Yes. Q. Is that the only time you talked to her that day, period? A. No. Q. Did you talk to her at some point where her where her speech was not slurred? A. Yes. Q. When did you see her wobbling? What time was that? A. Around the same time I had the conversation, early afternoon. Q. Where was she walking? A. Around the tent. Q. Did you tell anyone at the time that you thought she was intoxicated? A. No. Q. When you met with Kloosterman, you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Will Turney? A. No. Q. Did Will Turney did you see him drink alcohol? A. No. Q. Did he tell you whether or not he had drunk any alcohol? A. No. Q. At some point Jesse said to you that she had a lot to drink today? A. Yes. Q. Were those her exact words? A. Yes. Q. Did she just walk up to you and say that or was there was that part of a conversation? A. It was a short conversation.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	speech slurred? A. Yes. Q. Is that the only time you talked to her that day, period? A. No. Q. Did you talk to her at some point where her where her speech was not slurred? A. Yes. Q. When did you see her wobbling? What time was that? A. Around the same time I had the conversation, early afternoon. Q. Where was she walking? A. Around the tent. Q. Did you tell anyone at the time that you thought she was intoxicated? A. No. Q. When you met with Kloosterman, you told her that you were completely truthful, right?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Will Turney? A. No. Q. Did Will Turney did you see him drink alcohol? A. No. Q. Did he tell you whether or not he had drunk any alcohol? A. No. Q. At some point Jesse said to you that she had a lot to drink today? A. Yes. Q. Were those her exact words? A. Yes. Q. Did she just walk up to you and say that or was there was that part of a conversation? A. It was a short conversation. Q. What did she say?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	speech slurred? A. Yes. Q. Is that the only time you talked to her that day, period? A. No. Q. Did you talk to her at some point where her where her speech was not slurred? A. Yes. Q. When did you see her wobbling? What time was that? A. Around the same time I had the conversation, early afternoon. Q. Where was she walking? A. Around the tent. Q. Did you tell anyone at the time that you thought she was intoxicated? A. No. Q. When you met with Kloosterman, you
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Will Turney? A. No. Q. Did Will Turney did you see him drink alcohol? A. No. Q. Did he tell you whether or not he had drunk any alcohol? A. No. Q. At some point Jesse said to you that she had a lot to drink today? A. Yes. Q. Were those her exact words? A. Yes. Q. Did she just walk up to you and say that or was there was that part of a conversation? A. It was a short conversation. Q. What did she say? A. I asked how the day went. She said	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	speech slurred? A. Yes. Q. Is that the only time you talked to her that day, period? A. No. Q. Did you talk to her at some point where her where her speech was not slurred? A. Yes. Q. When did you see her wobbling? What time was that? A. Around the same time I had the conversation, early afternoon. Q. Where was she walking? A. Around the tent. Q. Did you tell anyone at the time that you thought she was intoxicated? A. No. Q. When you met with Kloosterman, you told her that you were completely truthful, right?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Will Turney? A. No. Q. Did Will Turney did you see him drink alcohol? A. No. Q. Did he tell you whether or not he had drunk any alcohol? A. No. Q. At some point Jesse said to you that she had a lot to drink today? A. Yes. Q. Were those her exact words? A. Yes. Q. Did she just walk up to you and say that or was there was that part of a conversation? A. It was a short conversation. Q. What did she say? A. I asked how the day went. She said good, but she had a lot to drink. Q. Anything else?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	speech slurred? A. Yes. Q. Is that the only time you talked to her that day, period? A. No. Q. Did you talk to her at some point where her where her speech was not slurred? A. Yes. Q. When did you see her wobbling? What time was that? A. Around the same time I had the conversation, early afternoon. Q. Where was she walking? A. Around the tent. Q. Did you tell anyone at the time that you thought she was intoxicated? A. No. Q. When you met with Kloosterman, you told her that you were completely truthful, right? A. Yeah. Q. Did you tell her that you concluded
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Will Turney? A. No. Q. Did Will Turney did you see him drink alcohol? A. No. Q. Did he tell you whether or not he had drunk any alcohol? A. No. Q. At some point Jesse said to you that she had a lot to drink today? A. Yes. Q. Were those her exact words? A. Yes. Q. Did she just walk up to you and say that or was there was that part of a conversation? A. It was a short conversation. Q. What did she say? A. I asked how the day went. She said good, but she had a lot to drink. Q. Anything else? A. Not that I recall.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	speech slurred? A. Yes. Q. Is that the only time you talked to her that day, period? A. No. Q. Did you talk to her at some point where her where her speech was not slurred? A. Yes. Q. When did you see her wobbling? What time was that? A. Around the same time I had the conversation, early afternoon. Q. Where was she walking? A. Around the tent. Q. Did you tell anyone at the time that you thought she was intoxicated? A. No. Q. When you met with Kloosterman, you told her that you were completely truthful, right? A. Yeah. Q. Did you tell her that you concluded that Jesse was intoxicated at this golf event?

Barnes v. Shell Exploration & Production Company Appalachia, et al. Page 381 1 where Jesse came in and talked about how much she 1 When your lawyer asked you the 2 drank over the weekend? 2 questions you reached the conclusion that you may 3 3 No. Not that I recall. have made an incorrect assumption about my The computer-based training based on 4 4 Q. 5 5 ethics and compliance that you just testified to 6 6 in response to your lawyer's questions that you 7 took between 2010 and 2017, do you have any 7 8 explanation for why you didn't think about that 8 9 9 when I asked you about training this morning that 10 you took during that same time period? 10 incorrect 11 A. The documentation you had -- had me 11 12 12 review was all face-to-face training, so my 13 assumption that was what you were referring to was 13 14 like face-to-face classroom style training. 14 15 15 Q. I didn't ask about face to face. I asked you if you had any training. 16 16 17 MR. TUCKER: But his assumption was 17 18 that you were asking that, so he's answered 18 19 your question. That's how he understood your 19 20 question. 20

Page 383

questions about training this morning? MR. TUCKER: Objection. He didn't say he made an incorrect assumption. He said he assumed you were talking about face to face. It wasn't incorrect. That's how he understood your question to be. So that's

BY MS. GURMANKIN:

Your lawyer didn't ask you questions about face-to-face training. What about his questioning made you testify to this computer-based training that you took between 2010 and 2017 when you didn't testify to that when I asked you about training during that same time period this morning?

MR. TUCKER: Objection. That's not the way I asked my questions. But the record stands as it is.

Please answer her question.

THE WITNESS: The question was based on all training. So I made an incorrect

Page 382

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When I was thinking about training.
Α.
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And when did you figure out that I

made -- that you made an assumption that may have

2 Q. When?

been incorrect?

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- 3 Α. Earlier this afternoon.
- 4 Q. During the time --

BY MS. GURMANKIN:

- Α. Because there is --
 - Q. I'm sorry. Go ahead.
- 7 A. There -- there's other training that
- 8 we've done.
- You realized that earlier this 9 Q.
- 10 afternoon?
- 11 A. Yes.
- 12 Q. During the time before I completed my 13 questioning?
- 14 A. Which time?
 - Before I completed my questioning of you before your lawyer asked you questions you reached the conclusion that you may have made an incorrect assumption regarding my questions about training?
 - A. When I got asked the question is when I had made the -- when he asked me the question.
 - When your lawyer asked you the questions?
 - A. Yeah.

Page 384

- 1 assumption that you were talking about 2 face-to-face training and the question I got 3 asked was all training.
- 4 BY MS. GURMANKIN:
 - Did your lawyer's question involve all Q. training?
 - Α. I don't remember it word for word.
 - And you recall my question not including face-to-face training?
 - So we had documents pulled out that I was looking at --
 - Q. I asked a question --

MR. TUCKER: Could you -- could you let him answer the question, please.

MS. GURMANKIN: Well, I need my question answered.

MR. TUCKER: Well, he's answered as best he can. You may not like the answer, but his answer was -- he started saying he had documents pulled up.

BY MS. GURMANKIN:

Okay. I'm not asking about documents. Do you recall that I never used the phrase face to face? Do you recall that?

	Page 385		Page 387
1	A. Yes.	1	CERTIFICATE
2	Q. And what made you assume that I was	2	
3	asking about face-to-face training when I never	3	I, Nancy J. Taguinot, RPR, CCR(NJ),
4	asked you about face-to-face training?	4	Registered Professional Reporter and Notary Public
5	A. The documents that you were referring	5	in and for the Commonwealth of Pennsylvania,
6	to me to review on the screen were all signed	6	certify that the foregoing is a true and accurate
7	documents, like written out, as if it was a	7	transcript of the deposition of said witness, who
8	face-to-face training.	8	was first duly sworn by me on the date and place
9	Q. Is there anything else that you	9	hereinbefore set forth.
10	testified to incorrectly today or is that it?	10	
11	A. That's it.	11	I further certify that I am neither
12	Q. You sure about that?	12	attorney nor counsel for, nor related to or
13	A. Yes.	13	employed by, any of the parties to the action in
14	MS. GURMANKIN: Okay. That's all.	14 15	which this deposition was taken, and further, that
15	Thank you.	16	I am not a relative or employee of any attorney or
16	MR. TUCKER: I have no questions.	17	counsel employed in this action, nor am I financially interested in this case.
17	VIDEOGRAPHER: This concludes file	18	inianolany interested in tins case.
18	number six in the videotaped deposition of	19	
19	Hondo Blakley in the matter of Jesse Barnes	20	
20	v. Shell, et al.	21	
21	This will conclude the deposition for	22	Nancy J. Taguinot, RPR, CCR(NJ)
22	today. We are going off the record at 5:08		Notary Public
23	p.m.	23	New Jersey License No. XI01005
24		24	
	Page 386		Page 388
_	Page 386	1	Page 388
1	Page 386 (Witness excused.)	1	INSTRUCTIONS TO WITNESS FOR READING & SIGNING
2	(Witness excused.)	2	INSTRUCTIONS TO WITNESS FOR READING & SIGNING Read your deposition over carefully.
2	(Witness excused.) (Whereupon, the deposition was	2 3	INSTRUCTIONS TO WITNESS FOR READING & SIGNING Read your deposition over carefully. It is your right to read your deposition and make
2 3 4	(Witness excused.)	2 3 4	INSTRUCTIONS TO WITNESS FOR READING & SIGNING Read your deposition over carefully. It is your right to read your deposition and make changes in form or substance. You should assign a
2 3 4 5	(Witness excused.) (Whereupon, the deposition was	2 3 4 5	INSTRUCTIONS TO WITNESS FOR READING & SIGNING Read your deposition over carefully. It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata
2 3 4 5 6	(Witness excused.) (Whereupon, the deposition was	2 3 4 5 6	INSTRUCTIONS TO WITNESS FOR READING & SIGNING Read your deposition over carefully. It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made.
2 3 4 5 6 7	(Witness excused.) (Whereupon, the deposition was	2 3 4 5 6 7	INSTRUCTIONS TO WITNESS FOR READING & SIGNING Read your deposition over carefully. It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or
2 3 4 5 6 7 8	(Witness excused.) (Whereupon, the deposition was	2 3 4 5 6 7 8	INSTRUCTIONS TO WITNESS FOR READING & SIGNING Read your deposition over carefully. It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following
2 3 4 5 6 7 8 9	(Witness excused.) (Whereupon, the deposition was	2 3 4 5 6 7 8	INSTRUCTIONS TO WITNESS FOR READING & SIGNING Read your deposition over carefully. It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change,
2 3 4 5 6 7 8 9	(Witness excused.) (Whereupon, the deposition was	2 3 4 5 6 7 8 9	INSTRUCTIONS TO WITNESS FOR READING & SIGNING Read your deposition over carefully. It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it.
2 3 4 5 6 7 8 9 10	(Witness excused.) (Whereupon, the deposition was	2 3 4 5 6 7 8 9 10	INSTRUCTIONS TO WITNESS FOR READING & SIGNING Read your deposition over carefully. It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it. Then sign your deposition at the
2 3 4 5 6 7 8 9 10 11 12	(Witness excused.) (Whereupon, the deposition was	2 3 4 5 6 7 8 9 10 11	INSTRUCTIONS TO WITNESS FOR READING & SIGNING Read your deposition over carefully. It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it. Then sign your deposition at the end of your testimony in the space provided.
2 3 4 5 6 7 8 9 10 11 12 13	(Witness excused.) (Whereupon, the deposition was	2 3 4 5 6 7 8 9 10 11 12	INSTRUCTIONS TO WITNESS FOR READING & SIGNING Read your deposition over carefully. It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it. Then sign your deposition at the end of your testimony in the space provided. You are signing it subject to the changes you have
2 3 4 5 6 7 8 9 10 11 12 13 14	(Witness excused.) (Whereupon, the deposition was	2 3 4 5 6 7 8 9 10 11 12 13 14	INSTRUCTIONS TO WITNESS FOR READING & SIGNING Read your deposition over carefully. It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it. Then sign your deposition at the end of your testimony in the space provided. You are signing it subject to the changes you have made in the errata sheet, which will be attached
2 3 4 5 6 7 8 9 10 11 12 13 14 15	(Witness excused.) (Whereupon, the deposition was	2 3 4 5 6 7 8 9 10 11 12 13 14 15	INSTRUCTIONS TO WITNESS FOR READING & SIGNING Read your deposition over carefully. It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it. Then sign your deposition at the end of your testimony in the space provided. You are signing it subject to the changes you have made in the errata sheet, which will be attached to the deposition before filling. You must sign it
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	(Witness excused.) (Whereupon, the deposition was	2 3 4 5 6 7 8 9 10 11 12 13 14	INSTRUCTIONS TO WITNESS FOR READING & SIGNING Read your deposition over carefully. It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it. Then sign your deposition at the end of your testimony in the space provided. You are signing it subject to the changes you have made in the errata sheet, which will be attached to the deposition before filing. You must sign it in front of a witness. Have the witness sign in
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	(Witness excused.) (Whereupon, the deposition was	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	INSTRUCTIONS TO WITNESS FOR READING & SIGNING Read your deposition over carefully. It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it. Then sign your deposition at the end of your testimony in the space provided. You are signing it subject to the changes you have made in the errata sheet, which will be attached to the deposition before filing. You must sign it in front of a witness. Have the witness sign in the space provided. The witness need not be a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	(Witness excused.) (Whereupon, the deposition was	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	INSTRUCTIONS TO WITNESS FOR READING & SIGNING Read your deposition over carefully. It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it. Then sign your deposition at the end of your testimony in the space provided. You are signing it subject to the changes you have made in the errata sheet, which will be attached to the deposition before filing. You must sign it in front of a witness. Have the witness sign in the space provided. The witness need not be a notary public. Any competent adult may witness
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	(Witness excused.) (Whereupon, the deposition was	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	INSTRUCTIONS TO WITNESS FOR READING & SIGNING Read your deposition over carefully. It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it. Then sign your deposition at the end of your testimony in the space provided. You are signing it subject to the changes you have made in the errata sheet, which will be attached to the deposition before filing. You must sign it in front of a witness. Have the witness sign in the space provided. The witness need not be a notary public. Any competent adult may witness your signature. Return the original errata sheet to your counsel promptly. Court rules require filing
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	(Witness excused.) (Whereupon, the deposition was	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	INSTRUCTIONS TO WITNESS FOR READING & SIGNING Read your deposition over carefully. It is your right to read your deposition and make changes in form or substance. You should assign a reason in the appropriate column on the errata sheet for any change made. After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, sign your name on the errata sheet and date it. Then sign your deposition at the end of your testimony in the space provided. You are signing it subject to the changes you have made in the errata sheet, which will be attached to the deposition before filing. You must sign it in front of a witness. Have the witness sign in the space provided. The witness need not be a notary public. Any competent adult may witness your signature. Return the original errata sheet to your counsel promptly. Court rules require filing

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Attach (ERRATA SH to Deposition of:		ΔKI FY	
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CO	MPANY APPALA	ACHIA, et al.		
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Exhibit 10

Interview Questions: Wayne Fletcher

Attendees: Wayne Fletcher, Megan Kloosterman (HR)

Date: 12/7/2016

Introduction

• Introduction of myself

- Purpose of meeting is to follow up on the concerns raised regarding the work environment and team dynamics
- Allegations have not been made against you specifically, but you were identified as someone that may have information that will help me understand the overall picture
- At this time I don't have any conclusions, we take these allegations seriously and are in the process of gathering information
- Ask that you be honest and transparent in your responses so we can gather the information needed to complete a thorough investigation
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Ouestions

1. Describe your current role and responsibilities.

Support all of the different groups – any type of safety or health concerns. For example, if someone is out on an accident. I organize all safety meetings, the training, security I take care of the building itself, make sure everything is plowed, shatter proof glass, multiple drills throughout the year, spills on pads, Environmental – I track all leaks and spills, sit on boards to eliminate violations. I spend 50/50 in the office and field, hearing equipment, walk-downs, noise surveys for compressors for community involvement and ear plugs.

2. Describe your working relationship with Will Turney and Jesse Barnes (understand not on their team).

Will – Maintenance supervisor; I help his folks to make sure they stay safe, investigations if something goes wrong in the field. I have a seat at the table, they value my opinion because I've been in the field for 20 years. I talk through different things not HSE related too. I have a lot of f2f with Will. Worked with him for 3 years.

Have known Jesse almost 6 years- have always utilized her as needed with excel/powerpoint. She helps with those things for me sometimes. She has also helped me buy Christmas party planning, making communications, etc.

3. What are your observations/perceptions of the work dynamics on that team? What are your perceptions of their working relationship?

He is a nice guy, I can see how he manages people different, I don't know if its because of their skillset. I could see how he may treat his lead maintenance guys, compared to schedulers and the people working on that side (Jesse). It might be that he doesn't trust her capabilities, he would tell his maintenance guys to do something and doesn't follow up but he might micro-manage that. It seems like he might not be giving her a fair shake because she is a woman.

023

Confidential

Expressed a concern? – She has come to me, she will come over to my desk and say I need to vent for a minute, Will is under my skin today. He won't leave me alone, he won't give me time to do it. He will give a guy 6 hours to do it and her only 2, or something. She has made a comment that she doesn't like the way he looks at her. I don't think he gives her the credit that's due to her. She is very smart, capable of doing any task here. I think he still looks at her as an Admin. It has always been this way – it did not start at a certain point in time.

Inappropriate comments towards her? – he has at water cooler talk, just mentioned that she's a good looing girl, saying oh did you see what she is wearing today? I don't think it's ever been voiced to her.

- 4. I understand you were at the golf outing this summer with them. How was the dynamic between them at this event?
 - a. Asking why not wearing shorts; cutting shorts; taking picture of her backside

I don't recall but that's very possible. Very vaguely; don't recall that. I know she had a friend of hers that was flirtatious. She ran a booth at hole 1 – they serve food and drinks there. As the golf outing goes around for a few hours. They jump in a golf cart once everyone has hit that hole and travel around to see what players are doing, they take alcohol and give to those players that are finishing up. They take the pictures.

Just the atmosphere itself, I would believe it would be possible. I've heard guys make comments to other women and they might not take it as serious. For example, compared to what an operator says versus her boss.

- 5. I understand you had asked Jesse to do some work for you (outside of her normal duties) and Will was near. Do you recall this specific situation?
 - a. Did Will tell you to tell her she was pretty and she would do it? yes
 - b. Do you recall her response? No, I don't think she said anything, rolled her eyes and gave you the look. I do recall her saying I don't come to work to be told I am pretty.
 - c. Do you know whether Will teased her for her response (I don't come to work to be told I'm pretty?)? I don't recall.
- 6. Is there anything else you'd like to share related the items we discussed today, that hasn't been asked yet? I've never had any concerns with her, I've been to both of their houses, they are both considered friends. I don't want to lose the trust between either one of them.

Inappropriate things to her – I think things have been directed towards her.

- 7. Is there anyone specifically you think I should talk to regarding the concerns raised?
- 8. Please send me any supporting documentation (emails, text messages, etc.) that may be useful for us to reference as part of our investigation.

Conclusion

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Confidential Shell 0001165

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Confidential Shell_0001166

Exhibit 11

Interview Questions: Matt Empsen

Attendees: Matt Empsen, Megan Kloosterman (HR)

Date: 12/7/2016

Introduction

• Introduction of myself

- Purpose of meeting is to follow up on the concerns raised regarding the work environment and team dynamics
- Allegations have not been made against you specifically, but you were identified as someone that may have information that will help me understand the overall picture
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Questions

1. Describe your current role and responsibilities.

Integrity Inspector – before this role pipeline lead in operations – work with everyone in the field and the office.

2. Describe your working relationship with Will Turney and Jesse Barnes (understand not on their team).

Will – interfaced with him often in previous role, resources we needed, allocation of people, sat in a lot of meetings with him and his team in previous role. Current role, inspections go through SAP and maintenance aspect, understanding what work we have taking place, well pads, closing items in SAP, etc. (basis)

Jesse – generated PMs for us on the pipeline side, would work with her closing out work orders in SAP, asset integrity, SIMS roll out, etc. (weekly basis)

a. What are your observations/perceptions of the work dynamics on that team, specifically between Jesse and Will.

Cubicles sit right next to them; their work group dynamic from my perspective, Will is very condescending to them and more specifically Jesse. The way he talks to her is very demeaning, doesn't respect her in her role; Not afraid to blame her for something that has nothing to do with her; if my boss treated me that way I would talk to them because it is disrespectful. He has demeaned her in meetings, blamed her, and talked down to her. On a daily basis, it's very condescending and sarcastic, like he is better than they are. It seems like every day there is always something. An example would be how he asks her if he needs something, he would tell her he needs it but that it should already have been done. For example, updating a board, saying you should already know you should do this. it's the tone, the body language. More frequently towards her.

020

You can tell after their conversations she gets very quiet and doesn't talk to anybody. You can tell she is bothered by it. Other guys on the team 'give it back to him' or stand up for themselves, but it affects her. Over the past year or two it's gotten progressively worse.

I have seen Will say inappropriate comments to all women in the office; body language, things he would say, how he postures himself around other females. With Jesse, a little closer to her than he should be, how close you are, how you sit next to her, mannerisms, example sit beside her and lean on her, impeding on her comfort zone, too close.

I would like to review a few specific examples of their work relationship with you. Please share any information or perspective you have related to these matters.

Claim	Timing (from Jesse)	Test whether you see this amongst Will and others on the team (self) or just between Jesse.
I am continuously asked about my personal life by my supervisor.	He asked about my significant other recently in November 2016	Yes, that is one of Will's things and he is one to share his. He thinks its ok to ask about relationship status. I've noticed he's done that with people on his team.
My supervisor touches my arm and or leg the majority of the time I have a meeting or talk to him one on one.	This is ongoing, continues to happen even when I've asked him to stop.	I've seen it at her desk going over stuff with her, personal space that he crosses. He does not get close to other males, only noticed it with her.
Supervisor gestures cat claws and makes a hissing noise.	on-going	No, I don't think I've seen that.
• I have been asked by my supervisor multiple times if I thought about him over the weekends.	Aug-16	I've heard the 'miss me' comment on numerous occasions – to her specifically. I have not heard him say that to male coworkers.

My supervisor has told me that he has thought about me while showering.	Sep-16	n/a – I could see him saying something like that.
My supervisor encourages arguments among my team.	In meetings and team discussions.	He's not a confrontational person, if it was his fault or directed towards him, he would deflect it to others going at it. I have been in some heated arguments with Will. He will try to blame others to get them to take the blame off of him. Does not step in when arguments are amongst the team. It's a blame game during the meeting – not a productive meeting. It usually becomes who was right/wrong.
I have been called a bitch by numerous people in the office.	More near the beginning of 2016	Over the past 6 months I have seen her become more introverted; the work environment has made her uncomfortable and not wanting to put herself out there. She tries to avoid people, they can be condescending. She is always very helpful to me. It goes to how you treat her and how she treats you. She will respect you if you respect her. If you try to treat her that she is not competent in her job, she is going to be stand off-ish.

3. Is there anything else you'd like to share related the items we discussed today, that hasn't been asked yet? Will treats her like she's not competent in her job; when he talks to her he slows down his speech like she can't understand. He will talk to someone else, he sits down and breaks it all down slow and methodical.

Her co-workers on that team treat her disrespectfully – they see how he treats her, so they see that it's ok. Dan Krise, Ken Foreman would be others that treat her that way – they feed off of Will. They think it's OK and it's funny and Will can do it. They poke fun at her about it. They don't have bad intentions but they think it's funny. Will is setting the example. For Will, it seems like a power thing for him, he thinks he's in a position he can treat his subordinates how he wants and get away with it. In my opinion he is a womanizer.

When someone can talk to a male or female and have two different postures, how they speak, body language. You should treat everyone with respect. I noticed it since I started. I've seen it affect Jesse in the past 6 months to a year. Her attitude, she feels uncomfortable, she sits at her desk and does her work.

- 4. Is there anyone specifically you think I should talk to regarding the concerns raised?
- 5. Please send me any supporting documentation (emails, text messages, etc.) that may be useful for us to reference as part of our investigation.

Conclusion

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Exhibit 12

Interview Questions: Jeremy Greene

Attendees: Jeremy Greene, Megan Kloosterman (HR)

Date: 12/7/2016

Introduction

• Introduction of myself

- Purpose of meeting is to follow up on the concerns raised regarding the work environment and team dynamics
- Allegations have not been made against you specifically, but you were identified as someone that may have information that will help me understand the overall picture
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Ouestions

- 1. Describe your current role and responsibilities.

 Hired on with Shell in maintenance in July 2015 just got the Scheduling effective 12/1.
- 2. Describe the work environment and team dynamics on your immediate team (i.e. direct reports of Will).

I don't have any issues with the work environment; I don't see anyone being mistreated or anything. I think it's a normal work environment, it's better than many jobs that I've had. People work hard; there are some people who should not be here in my opinion (Dan Krise). Sometimes things are stressful. There aren't many arguments, work load is high.

3. Describe your working relationship with Will Turney and Jesse Barnes.

Will Turney: good relationship; talk a couple of times every day – he approves the schedules, jobs that come up that are on the fence about – we can do it now or hold off. Enjoy working for him as a leader.

Jesse: she sits directly behind me; we talk multiple times per day. Metrics she is pulling is involved in what I am doing and the rest of the team are doing. She does last minute checks with my schedule. Jobs are intertwined – we get along.

a. What are your observations/perceptions of their relationship?

Pretty positive there is misunderstandings between the two of them. We are all a team and supposed to be equals, some things can't be treated the same in some ways. I don't say the same things to her as I would to a guy. She gets offended if treated differently and if saying the same thing as you would say to a guy. Example: Dan will belch or say something, she gets offended. She has talked to me about the Will situation before and I can see her points. She has told me things that have been said that I would say is borderline offensive, but I don't think it's something that's meant to be offensive. There are things she has taken offense to that she shouldn't have.

There is a perception that he doesn't know anything or his job because he won't know details sometimes. – but that is a misunderstanding on their part.

I like Will I don't want to have any issues with him I don't see anything that has been out of line, but I have only seen what I have seen. It seems like there was one thing that was on the border line.

I would like to review a few specific examples of their work relationship with you. Please share any information or perspective you have related to these matters.

Claim	Timing (from Jesse)	Test whether you see this amongst Will and others on the team (self) or just between Jesse.
I was told I am a hot blonde by my supervisor. (witnessed story telling back in the office)	Mar - 16	Yes I did hear that; it just seems like normal talk, he repeated the story. I don't think it's that inappropriate, normal guy talk. I don't remember her being offended or noticeable.
• I expressed a concern to my supervisor a CPR trainer that instructed at our office that when I was performing CPR the instructor told me to "pick my ass up" in front of male colleges. My supervisor said "well did you pick it up?" in a laughing manner. (witnessed the CPR training)		Not a significant memory
I am continuously asked about my personal life by my supervisor.	He asked about my significant other recently in November 2016	Trying to relate; not prying; it seems the same treatment for everyone. Brief conversations.

My supervisor touches my arm and or leg the majority of the time I have a meeting or talk to him one on one.	This is ongoing, continues to happen even when I've asked him to stop.	More than I am but not that bad; I haven't noticed it.
Supervisor gestures cat claws and makes a hissing noise.	on-going	As a joke, yes.
My supervisor encourages arguments among my team.	In meetings and team discussions.	I wouldn't call them arguments; it's a healthy productive debate; everyone is involved and people make their points.
I have been called a bitch by numerous people in the office.	More near the beginning of 2016	No — Sometimes she is in a pretty good mood, you can tell though sometimes that people are getting to her and she is frustrated.

- 4. Is there anything else you'd like to share related the items we discussed today, that hasn't been asked yet?
- 5. Is there anyone specifically you think I should talk to regarding the concerns raised?
- 6. Please send me any supporting documentation (emails, text messages, etc.) that may be useful for us to reference as part of our investigation.

Conclusion

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Exhibit 13

Interview Questions: Ken Foreman 570-404-7920

EXHIBIT 022

Attendees: Ken Foreman, Megan Kloosterman (HR)

Date: 12/7/2016

Introduction

- Introduction of myself
- Purpose of meeting is to follow up on the concerns raised regarding the work environment and team dynamics
- At this time I don't have any conclusions, we take these allegations seriously and are in the process of gathering information
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Questions

1. Describe your current role and responsibilities.

Role just changed – was the scheduler, now the maintenance planner – I put the parts/time/resources on the job, and the scheduler picks a day. Interface with everybody, very outgoing and talk to everyone.

2. Describe the work environment and team dynamics on your immediate team (i.e. direct reports of Will).

I have worked in way worse teams. It's not bad; I really don't think it's bad. We are like a family, spats do erupt now and then, if someone says the wrong thing and it's not taken how it's meant. As far as a negative vibe, I don't it at all. I would describe it in three words – semi-professional, we could do better, but there is worse out there. It is a collaborative environment, we have to work together. It is the mandate, our group has to work well together. The people in the office are one team and the people are another team in the field. The jobs overlap and we hand off to one another daily, through work processes. We are each other's customers.

3. Describe your working relationship with Will Turney and Jesse Barnes.

Will – fine, easy to get a hold of, he understands real life. We have freedom/autonomy to do our work is very positive. I can identify issues. Know what to do, don't need a lot of guidance. It is our goal to teach Will how to do our jobs, he doesn't know the details. We are trying to teach him, and he is understanding. As a planner I need to know whether we are going to do this work – I share with him the cost and he makes the decision.

Jesse: she received my product when I was a scheduler. She is a different girl, she is super smart. If you go with stereotypes, she is surprisingly smart. She gets offended by things that are not meant to be offensive. She thinks things are personal when they are not. I have had to deal with that. I have learned. She is not a morning person at all – from noon on she is happy Jesse. There was a while when she did not know her role (a year ago or so), I knew her role better than she did, I did not know her role as well as she knows it now – she has improved a lot. She was offended that I would do things that were supposedly in her wheelhouse when I knew what she didn't know what to do. But that has changed, and I saw it coming. It got to the point

where will said it's time to let her fly or fail. She has a peer group through the different assets. She has met the other MA's (only deals well with the female MA's – doesn't reach out to the males). New role does not interact with her role. She has permissions in SAP that none of us have, so we need her to do them.

• GETS OFFENDED? There have been lots of times when she has been mad at me and Dan. She gets set off pretty easily. She has something against Dan.

I would like to review a few specific examples of the work environment and team environment with you. Please share any information or perspective you have related to these matters.

Claim	Timing (from Jesse)	Test whether you see this amongst Will and others on the team (self) or just between Jesse.
I am continuously asked about my personal life by my supervisor.	He asked about my significant other recently in November 2016	She is a very private person, she doesn't talk about enough to let people into her life enough to be able to help her. She doesn't like to take advice from older people; occasionally she has taken time off and things become known. She keeps them separate way better than the guys do.
		As far as Will prying in on that, a lot of times conversations between those two don't happen at our cubicle. Will is always talking. I've never seen him talk with an agenda, he likes to hear himself talk. I've worked for narcissistic people who were way worse.
My supervisor touches my arm and or leg the majority of the time I have a meeting or talk to him one on one.	This is ongoing, continues to happen even when I've asked him to stop.	Any touch is too much, she does not like to be touched; I don't know if she has touched her. If it happened, and I was a witness to it, it wasn't in a sexual way. We always are looking at each other's' screens, in each other's personal spaces. When I am there with her, I tell her right out you know I can't see the screen I have to be in your space. He is outgoing, so friendly touches would not be surprising.
Supervisor gestures cat claws and makes a hissing noise.	on-going	I don't think so
My supervisor encourages arguments among my team.	In meetings and team discussions.	This happens. There are disagreements all the time on how we should manage the business, what is important, who should be doing what, etc. One of Will's famous sayings is, it's just business. To someone who doesn't recognize what he means is it's not personal. It's not me trying to be negative against you or whatever. It's just business. It's your job, your responsibility. He says that all the time. He is becoming more professional at doing his job, he doesn't say it very often any more. It does rub people the wrong way.
		Jesse gets offended by it because it does affect her, because she will have to do the work. She will say certain 'crap' is beneath her – and it will be

		once she gets to a new role/promotions. Will is very smart and hardworking too. But those two, in the beginning it was a very happy/friendly/outgoing, Will came in as a new supervisor. We were in the storming phase of our team, figuring out how to work together. It seemed like things were on the up and up and it wasn't as professional as it was today. Then Jesse started getting offended by whatever. It really doesn't take much. I can remember riding to lunch one time. I can't remember. I was riding with Will, Dalton from CA gave her a hug and you could see her cringe. Dalton said to Jesse he didn't realize she didn't like to be hugged and she looked at me right away bc I was there when it happened.
I have been called a bitch by numerous people in the office.	More near the beginning of 2016	Yes, but it is because of her mood.

I would like to review some claims made regarding your work relationship with Jesse and specific situations you may have been involved in. Please share your perspective on these matters.

Claim	Ken Interview
This co-worker had lied to me saying that my supervisor was mad at me because I was falling behind on work. When I asked my supervisor what I needed to catch up on he denied that he had said anything.	I did her job before she did her job, we didn't have an MA before. Her mom and I worked together for 20 years and her dad and I worked together for 10 years (not at Shell). Her Mom was a MA where we worked before. When I left to come to Shell, Shell said they needed a secretary, I recommended her mom. She got hired, (East Resources) and there were a lot of open jobs — help wanted signs everywhere. Jesse got hired at ER, and Wendy moved into scheduler role for half of the field and I had the other half. I had way more training than she did, they trained her for a week or so, me for months. She was delivering, competent enough. When we moved offices we sat side by side, same office. I was the MA, wendy did the scheduling, matt did the planning. Then Shell came and needed to cut costs, 2 roles were cut, one of them was Wendy's. Jesse was very upset.
	Jesse has a hatred for Robin Grouette. Robin recognized it was a mistake to sever Wendy. They identified we needed an analyst, we were understaffed. Jesse got hired as analyst. She was overloaded; she doesn't say no to things, she is a hard worker. She had a lot to do, so people were coming to me to do some things and she got upset that I was doing some of her work. She was upset that I was doing work that was in her remit. We haven't ever yelled at each other, I am not one for arguing. But, she stomped away and muttered under her breath.

I have been told by co-workers that maybe if they wore tight pants and batted their eyes they could get what they wanted, suggested that this is what I do.	I would never say that; and I haven't heard anyone say that to her. She played the female card for as long as it benefitted her.
A co-worker had put his hands through my hair without permission.	I've touched her before, and she does not like to be touched. And I stopped when she told me. Don't ever touch me.
During the visit to CA in 2014 at the social after hours, were you there when Will shared a photo on his phone of himself in his underwear?	I did not see that; I'm not saying that didn't happen. There was a lot of alcohol involved, people were drinking too much. I was with them the whole time, there wasn't any talk from Will of I got this plan with her or anything like that. Something may have happened between them.

I don't joke around with her anymore because I learned. I think it may have taken Will a little while longer to realize this when he started working for him. Did he make her upset, probably, did he make advances on her, I don't know. I would say probably not, but I don't know. It seems like trying to flatter her. I feel like he treats her same as others on the team, but she doesn't feel that way. I've heard her complain about that but I know it's not true. She is very hard on herself, she expects a lot.

4. Is there anything else you'd like to share related the items we discussed today, that hasn't been asked yet?

Will is really outgoing, maybe Jesse would find it offensive. I would say he doesn't mean anything by it. She lives so much on the edge she says things that are not meant to be offensive. She takes things the wrong way often. I recognized a long time ago that she is an edgy one. She has been treated wrong for her looks in the past.

- 5. Is there anyone specifically you think I should talk to regarding the concerns raised?
- 6. Please send me any supporting documentation (emails, text messages, etc.) that may be useful for us to reference as part of our investigation.

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